

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

The Stadium Group
t/a Stadium
2127 Queens Chapel Road, NE
Retailer CN
License No. 82005
License Renewal
Case No. 14-PRO-00020

Protest
Hearing

October 29, 2014

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Board Hearing Room, Reeves Building, 2000 14th Street, N.W., Washington, D.C., Chairperson Ruthanne Miller presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
HERMAN JONES, Member
HECTOR RODRIGUEZ, Member
MICHAEL SILVERSTEIN, Member
JAMES SHORT, Member

ALSO PRESENT:

Abyie Ghenene, Investigator, ABRA

1 P-R-O-C-E-E-D-I-N-G-S

2 (7:31 p.m.)

3 CHAIRPERSON MILLER: This is Case
4 Number 13-PRO-00020, Stadium, located at 2127
5 Queens Chapel Road, N.E., License Number 82005
6 in ANC 5C. And it's a protest hearing
7 regarding renewal of the license.

8 So let me just get some
9 introductions for the record and then we can
10 talk about the --

11 PARTICIPANT: Actually, you said
12 13, the case number, is it 13?

13 CHAIRPERSON MILLER: I did?

14 PARTICIPANT: Yes.

15 CHAIRPERSON MILLER: Oh. Okay,
16 there's a discrepancy on our records. Is this
17 14- or 13-PRO, 14?

18 MS. BUTLER: Fourteen.

19 CHAIRPERSON MILLER: Fourteen.
20 Okay, 14. All right, so why don't we start
21 from the Board right with introductions. No,
22 you don't have to stand because actually the

1 mike is on the table so we can hear you better
2 when you sit.

3 MR. JOHNSON: Nathaniel Johnson,
4 Principal, RCX.

5 MR. THOMAS: Rudy Thomas, Majority
6 Owner, RCX.

7 MR. HAFFNER: Julian Haffner,
8 Counsel on behalf of RCX.

9 MR. MORSE: Anthony Morse, General
10 Manager.

11 CHAIRPERSON MILLER: I hope you
12 don't have to do that every time you speak,
13 okay. Thank you. All right.

14 MS. BUTLER: Karla Butler, ANC
15 Commissioner representing ANC 5C and a group
16 of 98 or more == 50 or more, sorry.

17 MR. MALONE: Kevin Malone,
18 resident and representative for the community.

19 CHAIRPERSON MILLER: What do you
20 mean representative of the community? Are you
21 representing a party in the case?

22 MR. MALONE: I am representing the

1 community.

2 MS. BUTLER: Like a resident.

3 MR. MALONE: I'm a resident right
4 here.

5 MS. BUTLER: He's --

6 CHAIRPERSON MILLER: Is he your
7 witness?

8 MS. BUTLER: Correct.

9 CHAIRPERSON MILLER: Okay, all
10 right. You are representing the protestants,
11 right?

12 MS. BUTLER: Right.

13 CHAIRPERSON MILLER: Okay, good.
14 All right.

15 MS. BUTLER: And, Madam Chair, we
16 do have parties from the group of 50 or more,
17 do they need to introduce themselves as well?

18 CHAIRPERSON MILLER: No, not if
19 you're representing them and you've already
20 been established as a party.

21 MS. BUTLER: Okay.

22 CHAIRPERSON MILLER: So I just

1 want to say that we're starting pretty late
2 and it was our understanding, it's not very
3 often that this happens, that two protests are
4 scheduled in the same day and they take
5 several hours usually.

6 And it's my understanding that the
7 parties wanted to go forward even if it's
8 late, is that correct?

9 MS. BUTLER: No, that's not
10 correct.

11 CHAIRPERSON MILLER: It's not?

12 MS. BUTLER: We would like to ask
13 for a continuance if possible so that it would
14 give us enough time to have the witnesses give
15 their testimony as well as present an adequate
16 case to the Board.

17 CHAIRPERSON MILLER: Okay. So the
18 protestants would like a continuance?

19 MS. BUTLER: Yes.

20 CHAIRPERSON MILLER: And the
21 Stadium?

22 MR. HAFFNER: Yes, we would

1 object, if only because my client has gone
2 through a tremendous schedule, rescheduling to
3 be here, and has made the time to be here.

4 I don't think it would fair for
5 him to have to reschedule again --

6 CHAIRPERSON MILLER: Is your
7 client in town or out of town?

8 MR. HAFFNER: He's out of town.

9 CHAIRPERSON MILLER: He's from out
10 of town?

11 MR. HAFFNER: Right. So Rudy
12 Clyde Thomas in particular is out of town the
13 rest are based here.

14 CHAIRPERSON MILLER: Okay.

15 MR. HAFFNER: But Mr. Clyde Thomas
16 in particular --

17 MS. BUTLER: Ma'am, I would like
18 to say that this isn't the first time that
19 we've had hearings with Stadium and the first
20 roll call hearing we had a group of residents
21 here and they were a no show, so I mean you'll
22 like to take into consideration the time that

1 the community comes out to these hearings as
2 well.

3 (Off microphone discussion)

4 CHAIRPERSON MILLER: Okay. I
5 guess my reaction would be, you know,
6 normally, I think there was an opening next
7 week, but if the client has to fly, you have
8 to fly in from somewhere? You'd have to fly
9 in again next week, is that correct?

10 MR. THOMAS: Yes.

11 (Off microphone discussion)

12 CHAIRPERSON MILLER: Okay. So
13 that seems to outweigh --

14 MS. BUTLER: We are open, ma'am,
15 to another week to give him a little
16 flexibility in his commute back to this area.

17 CHAIRPERSON MILLER: Okay. So
18 most of your witnesses are here?

19 MS. BUTLER: Yes, ma'am.

20 CHAIRPERSON MILLER: Okay. Well
21 why don't, let me just maybe suggest this.
22 Your witnesses are all here, so the applicant

1 goes first, but if it gets to the point where
2 it's very late and one of your witnesses may
3 be more elderly or something and they need to
4 go out of order we could do that.

5 I don't know, we'll try to
6 accommodate everybody, but I think that we
7 better go forward unless my colleagues
8 disagree, given that we have someone from out
9 of town I think that's a big hardship with
10 continuing.

11 Is there any disagreement among
12 Board Members? Okay. All right, let's just
13 get preliminary issues, how many witnesses
14 each side may have.

15 MR. HAFFNER: We plan to call
16 three witnesses.

17 CHAIRPERSON MILLER: Three
18 witnesses, okay, and they were identified on
19 your PIF?

20 MR. HAFFNER: They were.

21 CHAIRPERSON MILLER: Okay. And
22 how about the protestants?

1 MS. BUTLER: We have nine
2 witnesses.

3 CHAIRPERSON MILLER: Nine?

4 MS. BUTLER: Yes.

5 CHAIRPERSON MILLER: Okay. And I
6 just want to say to you also, and I know
7 you've been here before, but witnesses, if
8 they are going to testify to almost the same
9 things but they are here to show that they
10 also are impacted they can be very brief and
11 say, you know, I'm testifying about the same
12 thing, it had the same impacts, I adopt, you
13 know, basically the same testimony, okay, to
14 move things along.

15 All right, then each side gets an
16 hour and a half. We hope that you don't need
17 all that much time. Just that hour and a half
18 is calculated on your witnesses, direct
19 testimony, and your crossing of the other side
20 and you get five minutes for opening and five
21 minutes for closing.

22 Okay. And the licensee has the

1 burden of proof. Are there any questions?

2 You pretty much know the order, they go

3 Investigator, then the applicant, licensee,

4 and then you all.

5 MS. BUTLER: Yes, ma'am.

6 CHAIRPERSON MILLER: Okay. Then

7 we're ready to go. Opening statements from

8 the licensee?

9 MR. HAFFNER: Well good afternoon,

10 actually good evening, I'm sure the Board --

11 Again, my name is Julian Haffner on behalf of

12 the Applicant, RCX, LLC.

13 It's no secret that the

14 establishment in question today has

15 historically been plagued by numerous

16 problems.

17 However, we intend to show today

18 that the new managers seek to establish a new

19 era, establish a brand more reflective of

20 their desire of upscale, high-ended clientele

21 and have put a lot of thought and investment

22 into establishing that brand as well as

1 significant funds to ensure that the club
2 becomes a high-end value catering to the
3 diverse array of patrons outside the city.

4 D.C. Code 25313 and 25315 and
5 25316 set forth the appropriate standards for
6 ABRA establishments and govern the renewal of
7 a license.

8 So we understand that the
9 protestants here are here on the basis of
10 peace, order, quiet, parking, vehicular
11 traffic, and pedestrian safety.

12 Accordingly, the evidence
13 presented today will show that since RCX
14 management has taken over the establishment
15 has been exemplary in its operations.

16 Regarding noise the evidence will
17 show that since the management takeover the
18 noise task force and ABRA investigators have
19 regularly visited the club and on each
20 occasion found the establishment's operations
21 did not otherwise violate noise standards.

22 Further, the evidence will show

1 that while there has been one noise complaint
2 in the period spanning January 2013 to
3 present, that complaint did not result in an
4 ABRA violation.

5 Regarding parking, the evidence
6 will show that the establishment has a
7 significant amount of onsite parking as well
8 as other parking options available for its
9 patrons. In addition, the club will soon
10 expand parking options by offering valet
11 service.

12 The evidence we intend to
13 introduce today will also highlight the club's
14 revamped Security Plan and comprehensive
15 security training requirement for all security
16 personnel.

17 You will hear how each member of
18 the club security detail has been hand-picked,
19 vetted, and trained. You will hear testimony
20 regarding the alcohol awareness training that
21 each member of the club's wait and bar staff
22 has undergone as a condition of continued

1 employment.

2 And further you will hear
3 testimony regarding the installation of new
4 security cameras which offer views of the
5 entire club, increasing the club security's
6 ability to monitor patrons and prevent
7 incidents before they occur.

8 As you listen to the testimony or
9 view the evidence before you today I invite
10 you to ask yourselves whether this
11 establishments poses a true public safety
12 concern, whether it's one that is operating in
13 a manner that warrants any additional
14 restrictions, or whether this establishment is
15 one that should be applauded for devising and
16 executing a successful plan that attracts a
17 variety of patrons to the City, has shown a
18 strong record of compliance with ABRA's rules
19 and regulations, and, three, has evinced a
20 willingness to be a good neighbor.

21 We respectfully submit that the
22 evidence will show the latter and we

1 accordingly ask for the renewal of the Stadium
2 Club's license without further restrictions.
3 Thank you.

4 CHAIRPERSON MILLER: Thank you.
5 Ms. Butler?

6 MS. BUTLER: Good evening, Members
7 of the Board. I would like to thank you for
8 taking the time to hear arguments from the
9 Applicant, Stadium Club, and the Protestants,
10 ANC 5C and the group of 98 residents regarding
11 the application to renew the CM license for
12 Stadium located at 2127 Queens Chapel Road NE.

13 While there has been previous
14 arguments regarding zoning of the industrial
15 and commercial zoned area in and around Queens
16 Chapel Road, we the residents will illustrate
17 that our community is a mixed-use area of
18 commercial, industrial, and residential.

19 Residents have tirelessly fought
20 to preserve the peace and tranquility of the
21 neighborhood for several decades when most of
22 the residential area was zoned commercial.

1 One of our biggest challenges has
2 been the influx of nuisance nightclubs,
3 including Stadium. Since its opening in 2012
4 the community has experienced numerous
5 shootings and other violent activities related
6 to the activities from Stadium.

7 The community has to deal with
8 witnessing numerous inappropriate flyers and
9 posters as young children in that neighborhood
10 use Queens Chapel as a method, as a
11 thoroughfare, to enter into school.

12 We have a daily reminder of the
13 disregard by this establishment as they're
14 flooding Queens Chapel and the surrounding
15 residential streets with litter and trash.

16 As a result residents have
17 experienced emotional stress, sleepless
18 nights, and a drastic decrease in their
19 quality of life.

20 The Applicant will attempt to
21 illicit sympathy from the Board as new
22 management owners who have run a safe and

1 clear business free of any flaws or blemishes.

2 Yet over the last year the
3 establishment has been issued a suspension
4 notice twice by D.C. Tax and Revenue and the
5 Alcohol Beverage Regulation Administration.

6 They will attempt to show that
7 they have an improved and effective security
8 plan in place, yet, however, just a few months
9 ago the community experienced drive-by
10 shooting after an event at Stadium Club when
11 it featured a rap artist by the name of
12 Scarface.

13 Last week there has been footage
14 floating in the media of another rap artist,
15 Drake, who easily pushed his way through
16 security to witness another altercation inside
17 the club.

18 Finally, I urge the Board to
19 carefully listen to the concerns of the
20 residents, review critical evidence that
21 support our cause, and take into full
22 consideration that the Advisory Neighborhood

1 Commission 5C is to be given great weight on
2 decisions regarding alcohol and beverage laws
3 and regulations.

4 Since the opening of Stadium its
5 activities have adversely impacted on the
6 peace, order, and quiet of the residential
7 area. Thank you.

8 CHAIRPERSON MILLER: Thank you.
9 Okay, will our ABRA Investigator come forward?
10 Do you swear to tell the truth, the whole
11 truth, and nothing but the truth?

12 INVESTIGATOR GHENENE: Yes, ma'am.

13 CHAIRPERSON MILLER: Thank you.
14 So you did an investigation and an
15 Investigative Report, could you give the
16 highlights of your report?

17 INVESTIGATOR GHENENE: Yes, ma'am.

18 CHAIRPERSON MILLER: Thank you.

19 INVESTIGATOR GHENENE: On
20 Thursday, May 22, 2014, I was assigned the
21 Protest Renewal Application for the Stadium
22 Group.

1 The renewal application is being
2 protested by two groups, ANC 5C represented by
3 Ms. Butler, and a group of five or more also
4 represented by Ms. Butler.

5 On Tuesday, October 14th, I spoke
6 with Ms. Butler, who is the designated
7 representative for both groups. She stated
8 the following regarding the protestants
9 concerns, or protestants issues.

10 Ms. Butler stated the patrons of
11 the Stadium were responsible for increases in
12 litter and violent activity and vandalism in
13 the surrounding neighborhood.

14 Ms. Butler stated that on one
15 occasion a neighborhood resident was
16 propositioned for sexual favors while waiting
17 on a bus.

18 Ms. Butler stated that many
19 neighbors complained how noise emanated from
20 Stadium, specifically during the Howard
21 homecoming events in the past, have disrupted
22 the neighbors' tranquility.

1 Ms. Butler said that she and her
2 constituents are unaware of who owns Stadium
3 and is concerned that in the event that her
4 constituents bring issues to her she's not
5 sure who needs to be contacted with specific
6 reference to these issues at the club.

7 Ms. Butler said that after the
8 club opened, following a month-long
9 suspension, that patrons of Stadium
10 participated in a drive-by shooting in a
11 surrounding neighborhood where several houses
12 or vehicles were damaged by stray bullets.

13 Ms. Butler stated that flyers used
14 by Stadium are all over the streets and
15 neighborhood and in addition to the production
16 of litter children often find them and are
17 exposed to inappropriate material, such as
18 semi-nude women that are on the flyers.

19 I'm not going to bore the Board
20 with the details of the characteristics of the
21 neighborhood as far as zoning, that's all in
22 the report.

1 CHAIRPERSON MILLER: Right.

2 INVESTIGATOR GHENENE: Also the
3 nearby establishments, that's also in the
4 report. If you have any specific questions
5 you guys can ask me.

6 CHAIRPERSON MILLER: Okay.

7 INVESTIGATOR GHENENE: Otherwise,
8 I'll talk about parking. Stadium Club
9 actually has an attached parking lot to it, I
10 believe there is approximately 50 spots, maybe
11 more, and that's attached to its building. So
12 it's no other venues can use that parking.

13 They also have, I believe they
14 also have a relationship with a parking lot
15 that's on the other side of their parking lot
16 that's actually used for a bank.

17 I'll quickly describe the building
18 interior. It has a kitchen with a dining
19 room. There's also a main room with one large
20 bar and a stage area and then there's a line
21 of rooms, I shouldn't even call them rooms,
22 they're more like, I guess they're like cubby

1 rooms that line the back of the bar, so
2 they're not closed off, they're open, but
3 they're separate from the main seating area.

4 Just briefly with my visits to the
5 premises. I'll just say in general at no
6 point did I ever see any kind of heavy
7 pedestrian traffic or heavy activity coming
8 from the nightclub or nothing that I was
9 accustomed to.

10 Parking was always available
11 inside the lot as I saw the different valets
12 actually wanting me to park in there in my
13 government vehicle any time I came up Queens
14 Chapel Road, so there was always parking
15 available.

16 I never heard any noise emanating
17 from there and on the few occasions that I
18 actually go inside I noticed that there wasn't
19 really a whole bunch of patrons in there
20 either as I had been accustomed to in the past
21 there.

22 CHAIRPERSON MILLER: Okay.

1 INVESTIGATOR GHENENE: On Tuesday
2 -- Well I should say this. When Stadium and
3 Echostage are open that there is definitely a
4 very large presence of vehicular traffic,
5 pedestrian traffic, and just noise made by
6 humans, not noise like music noise, or there
7 might be noise coming from cars, but not from
8 the establishments.

9 But the Queens Chapel definitely
10 gets very packed with cars when both places
11 are open. When it's just one open, well, when
12 it's just Stadium open it's not crowded at
13 all.

14 Tuesday, October 14th I spoke with
15 Stadium owner Rudolph Thomas. Mr. Thomas said
16 he's aware of the concerns of the neighborhood
17 regarding the safety of all the people in the
18 area, including his patrons, and as a result
19 he doubles the MPD reimbursable detail
20 recommended by the Board on the days that he's
21 required to have them.

22 Mr. Thomas stated that he has a

1 cleaning crew that cleans the area surrounding
2 his establishment every night. Excuse me.

3 Mr. Thomas stated that Stadium does not use
4 paper flyers or any types of flyers to promote
5 any events at the club and that instead they
6 opt to use, one of their marketing schemes, I
7 guess, is to use various forms of social media
8 as opposed to those flyers.

9 Mr. Thomas stated that competitive
10 businesses that are actually located in
11 Maryland are the ones that are coming and
12 preying on what his, what they believe to be
13 his customers and other customers cars in the
14 area and, you know, giving them the paper
15 flyers for their establishments.

16 Mr. Thomas stated that since
17 taking over the business he has changed the
18 culture of the business by hiring new staff in
19 nearly all positions of the business and that
20 he's trying to change the types of patrons
21 that he promotes to and as a result has
22 suffered significant losses of both financial

1 and patron losses, but I guess it ties into
2 the financial.

3 I contacted the MPD Crime Analysis
4 Unit and requested a listing for all the calls
5 of service for the address of Stadium Club and
6 I have not received any kind of communication
7 back from them yet.

8 I also reviewed the records from
9 the Noise Task Force for the timeframe January
10 1, 2013, through October 22, 2014, and one
11 noise was complaint with no ABRA violations
12 found.

13 And the other thing that's -- Oh,
14 that's all I have right there.

15 CHAIRPERSON MILLER: Thank you,
16 that was great. Board questions? Yes, Mr.
17 Alberti?

18 MEMBER ALBERTI: Yes, just real
19 quickly. Have you ever seen any of the flyers
20 in the neighborhood while you've been there?

21 INVESTIGATOR GHENENE: Yes, yes.
22 Actually, yes, on the government car.

1 MEMBER ALBERTI: And do you
2 remember what it was advertising?

3 INVESTIGATOR GHENENE: There's --

4 MEMBER ALBERTI: Well, the
5 establishment that it was advertising?

6 INVESTIGATOR GHENENE: Well
7 there's, in general when there is one flyer
8 there will be four or five of them and they
9 were not for Stadium.

10 MEMBER ALBERTI: They were not for
11 Stadium.

12 CHAIRPERSON MILLER: Good.

13 MEMBER ALBERTI: Okay. Thank you.
14 I have no further questions.

15 INVESTIGATOR GHENENE: Thank you.

16 CHAIRPERSON MILLER: Okay, others?
17 Do you know when the change in ownership took
18 place?

19 INVESTIGATOR GHENENE: I think
20 that the ownership change officially went
21 through like a month or two ago, that's a
22 guess.

1 CHAIRPERSON MILLER: Okay. Well
2 I'm just wondering, we're looking at this
3 owner now, so it's a very short period of time
4 then that we're looking at it?

5 INVESTIGATOR GHENENE: Well I
6 believe that the current owner was in a
7 management role before taking over the
8 ownership for just about the last year.

9 CHAIRPERSON MILLER: Right, okay.
10 Okay.

11 INVESTIGATOR GHENENE: So it's
12 kind of one in the, from my perspective it's
13 one in the same.

14 CHAIRPERSON MILLER: Okay. And so
15 the differences you've noticed, when you said
16 there are fewer patrons inside, anything else
17 that you noticed?

18 INVESTIGATOR GHENENE: I mean
19 there's just less people for sure. I noticed
20 that there's more structure at the door. I
21 think that, you know, the first time I
22 noticed, and this may not make a lot of sense

1 to other people, but I know that when you
2 first approach the place it's like you make
3 contact with somebody from the establishment
4 almost halfway through the parking lot rather
5 than right at the door.

6 So it's like that's your first
7 kind of greeting point and then you're going
8 to meet with somebody else and then somebody
9 else, so there's a lot of different kind of
10 filters that you pass through on your way to
11 get inside.

12 So there's a lot of observation
13 and a lot of, there's a bunch of checkpoints.

14 CHAIRPERSON MILLER: That wasn't
15 there before?

16 INVESTIGATOR GHENENE: Well I
17 don't know if it wasn't there, but I never
18 noticed it the way I notice it now.

19 CHAIRPERSON MILLER: Okay. Okay.
20 Did you look into Ms. Butler's concerns that
21 you heard with respect to litter?

22 INVESTIGATOR GHENENE: Yes.

1 CHAIRPERSON MILLER: Okay.

2 INVESTIGATOR GHENENE: I believe I
3 did and I'm sure Ms. Butler will ask me
4 questions regarding that.

5 CHAIRPERSON MILLER: Okay.

6 INVESTIGATOR GHENENE: But when I
7 asked Ms. Butler regarding the litter I
8 believe she was speaking a lot about the
9 flyers.

10 CHAIRPERSON MILLER: Okay.

11 INVESTIGATOR GHENENE: I know that
12 she did mention other stuff in the streets of
13 the neighborhood and stuff like that, but
14 that's a little bit more difficult for me to
15 monitor because I'm not sure who belongs to
16 what.

17 I'd have to follow each individual
18 person to and from the club. However,
19 directly in front of the club, you know,
20 that's eyeshot down to Queens Chapel both
21 directions, I didn't really see that much
22 litter.

1 But, you know, sometimes it's
2 challenging, like I said if both
3 establishments are open obviously you can't
4 see the ground as well as you could if none of
5 them are open, but I've been there during the
6 day, I've been there in early parts of the
7 evening and things of that nature and I've
8 never noticed what I'd consider a litter
9 issue.

10 And, I'm sorry, and also keep in
11 mind that Waste Management has a trash
12 facility halfway down the block.

13 CHAIRPERSON MILLER: That's right.
14 So also in your report is mention of the
15 drive-by shooting that Ms. Butler referenced
16 in her opening statement, I think. Did you
17 look into that?

18 INVESTIGATOR GHENENE: No, ma'am,
19 that's, I mean without the police assigning
20 that to the establishment that's not really
21 something that I would look into.

22 CHAIRPERSON MILLER: Okay. And my

1 last question is with respect to when
2 Echostage and Stadium are open at the same
3 time. Is that an issue that you see something
4 that Stadium can do about for the, you know,
5 I'm not sure how big a problem that is, you
6 just said there were a lot of people there and
7 a lot of cars?

8 INVESTIGATOR GHENENE: It's a
9 tough question to answer. Obviously one venue
10 is bigger than the other and one venue, you
11 know, without, again, without seeing where
12 people are going exactly I don't want to
13 unfairly answer the question.

14 But what I can say is that when
15 Stadium is open but Echostage is not there is
16 not any sort of traffic problem on Queens
17 Chapel Road, parking problem, you don't
18 notice. It's just quiet.

19 CHAIRPERSON MILLER: And do you
20 know how often they overlap, Echostage isn't
21 open every night?

22 INVESTIGATOR GHENENE: I think

1 that we found during the last hearing they
2 were open six to seven times a month, I think
3 on average.

4 CHAIRPERSON MILLER: Okay.

5 INVESTIGATOR GHENENE: So that
6 would be my guess.

7 CHAIRPERSON MILLER: Thank you.
8 All right, any other -- Mr. Alberti?

9 MEMBER ALBERTI: The Stadium has
10 its own parking lot, is that correct?

11 INVESTIGATOR GHENENE: Yes, sir.

12 MEMBER ALBERTI: And it's fenced
13 in and you have to drive through a gate to get
14 into it, right?

15 INVESTIGATOR GHENENE: Yes, sir.

16 MEMBER ALBERTI: Do you have an
17 estimate, a guesstimate of how large, how many
18 cars?

19 INVESTIGATOR GHENENE: I'd guess
20 and say 50, but that might be something the
21 licensee can answer.

22 MEMBER ALBERTI: Okay. Does it

1 appear to be utilized by the patrons?

2 INVESTIGATOR GHENENE: It is,
3 absolutely.

4 MEMBER ALBERTI: Okay. Just out
5 of curiosity, is there a charge to park there?

6 INVESTIGATOR GHENENE: You know
7 what, and I remember --

8 MEMBER ALBERTI: I know they don't
9 charge you.

10 INVESTIGATOR GHENENE: I believe
11 it's, I think it's free during the week and on
12 the weekend I think there might be a charge,
13 but I'm not 100 percent sure.

14 MEMBER ALBERTI: Okay. We'll find
15 out. This goes, and we've heard from, we've
16 had numerous hearings about that area and
17 traffic, all right, so I'll take this
18 opportunity to ask you about this.

19 When there are more than one club
20 operating there is anyone doing any attempt to
21 control traffic?

22 INVESTIGATOR GHENENE: What I've

1 noticed --

2 MEMBER ALBERTI: In that, right on
3 Queens Chapel Road?

4 INVESTIGATOR GHENENE: Sure. What
5 I've noticed is that all three clubs that are
6 there are required to have MPD reimbursable
7 details and often the different detailed
8 officers, although they're working separate
9 establishments, they'll work together as far
10 as either cutting off traffic from one side of
11 Queens Chapel or facilitating people moving
12 and they're very, very aggressive with getting
13 people to move regardless of the
14 establishment.

15 I've seen them go as far as to
16 give tickets to people, whether it's cabs,
17 Uber, or simply patrons. They're very
18 aggressive with that.

19 MEMBER ALBERTI: Excellent. Thank
20 you for that information.

21 CHAIRPERSON MILLER: Okay. Any
22 other Board questions? Mr. Short?

1 MEMBER SHORT: Yes. Good evening,
2 Ghenene.

3 INVESTIGATOR GHENENE: Good
4 evening.

5 MEMBER SHORT: Investigator, I'm
6 just quite concerned about the situation of
7 what might be considered to be oversaturation.

8 You're saying when more than one
9 of those nightclubs, there's three of them
10 back in that area, so when more than one club
11 is operating at the same time how would you
12 best professionally describe the scene,
13 traffic and foot pedestrian traffic and
14 automobile traffic in the RDOs?

15 The reason why I'm asking this
16 question is because if we're having shootings
17 and we're having stabbings and we're having
18 all of these crimes committed, what is going
19 on with the RDOs in the club?

20 INVESTIGATOR GHENENE: I can't,
21 I'm not sure I can speak to the RDO situation
22 and the best way that I can describe the area,

1 the Queens Chapel/Adams Place/Bladensburg Road
2 area when all three are open is that there's
3 just, there is a lot of traffic in that area.

4 There's a lot of people in that
5 area. There's, you know, a lot of, just a lot
6 of everything.

7 MEMBER SHORT: Again, your
8 professional --

9 INVESTIGATOR GHENENE: Also, a lot
10 of, more police than I have seen anywhere in
11 the City.

12 MEMBER SHORT: In your
13 professional, when we have all of those, one,
14 two, three clubs open, what's the parking
15 situation?

16 Even though I'm hearing about all
17 these parking lots with 50 --

18 INVESTIGATOR GHENENE: Sure.

19 MEMBER SHORT: If we have 1000
20 people in one club and 1000 in another, 50
21 parking spaces doesn't sound like a lot.

22 INVESTIGATOR GHENENE: Sure. No,

1 from the best of my abilities, and, again, I'm
2 not following people to where they end up
3 parking, I know that there are several lots
4 that are in that area that people use as
5 parking.

6 MEMBER SHORT: Yes.

7 INVESTIGATOR GHENENE: But as far
8 as specific to Stadium they have their own
9 parking lot which is different than some of
10 the other places.

11 MEMBER SHORT: Is it adequate do
12 you think?

13 INVESTIGATOR GHENENE: And, again,
14 I'm only basing this off of the nights that I
15 only see them open, it is adequate.

16 MEMBER SHORT: Okay.

17 INVESTIGATOR GHENENE: I've never
18 seen it full. I've never seen them turning
19 people away or the gate closed, or whatever it
20 is. So that's the best way that I can answer
21 that.

22 MEMBER SHORT: Okay. So what's

1 your history with the club? I mean, how long
2 have you been investigating that area?

3 INVESTIGATOR GHENENE: I've been
4 investigating, I've had cases there and been
5 involved in cases there for the last four
6 years.

7 MEMBER SHORT: Okay. Now the last
8 six months compared with those 3-1/2 other
9 years, how has it been the last six months?

10 INVESTIGATOR GHENENE: I mean as,
11 they haven't had anything as small as a signs,
12 a warning signs, or a no ABC manager
13 violation. It's been a different, in my
14 opinion, a different place.

15 MEMBER SHORT: So the culture has
16 changed?

17 INVESTIGATOR GHENENE: The culture
18 I don't want to speak to because I'm not --

19 MEMBER SHORT: The management
20 culture?

21 INVESTIGATOR GHENENE: It would
22 appear so, but what I, it's not like I was

1 kind of talking or alluding to some of like
2 the different things that I saw that are
3 different, like the multiple checkpoints.

4 I've noticed that there's not as
5 many people as there used to be inside. I've
6 noticed that people are actually in there a
7 little bit more frequently than they were
8 before.

9 I've also noticed the social media
10 use and they're advertising different types of
11 professional parties and that kind of thing,
12 or social mixers that are happening earlier in
13 the evening. It's different. It's just a
14 different vibe in there all together.

15 MEMBER SHORT: And it be more
16 orderly or --

17 INVESTIGATOR GHENENE: Absolutely.

18 MEMBER SHORT: Okay. Thank you,
19 Madam Chair, that's all I have. Thank you,
20 Ghenene.

21 CHAIRPERSON MILLER: Okay.

22 Others? Okay. Okay, I have a question. You

1 know, I don't if that's fair, but we're just

2 --

3 INVESTIGATOR GHENENE: Sure.

4 CHAIRPERSON MILLER: -- because
5 we're looking at the Stadium I know and you're
6 talking about, you know, when you look at them
7 alone what they've been doing, and then you've
8 got questions about the three together as that
9 saturation.

10 But I just want to ask you with
11 the three together, and so you've said there's
12 a lot of traffic, there's a lot of people,
13 there's a lot of police, more police, than
14 you've seen in the City.

15 Okay. My question is, and if you
16 can answer it is, given all the, do you feel
17 that it's a safe situation considering there
18 are all the police there?

19 INVESTIGATOR GHENENE: That's a
20 tough question.

21 CHAIRPERSON MILLER: I know. I
22 don't know if you could answer it, but I just

1 wanted to --

2 INVESTIGATOR GHENENE: I mean I,
3 the best way that I could answer that is to
4 say that I stand out there at night and, you
5 know, I want to go home at night, so I don't
6 feel, but that's not really a good answer.

7 CHAIRPERSON MILLER: Yes. You
8 haven't felt unsafe, is that what you're
9 saying?

10 INVESTIGATOR GHENENE: No. No.

11 CHAIRPERSON MILLER: Okay. Do you
12 feel a difference with the new Stadium and
13 with respect to how you feel?

14 INVESTIGATOR GHENENE: There's no
15 question.

16 CHAIRPERSON MILLER: Okay, thank
17 you. All right, anybody else? Mr. Jones?

18 MR. JONES: Thank you, Madam
19 Chair. The security-wise --

20 INVESTIGATOR GHENENE: Yes, sir.

21 MR. JONES: Have you noticed that
22 there's been a complete turnover in the

1 security staff at the establishment?

2 INVESTIGATOR GHENENE: Well I'm
3 sure I haven't seen all of their security
4 guards, but I --

5 MR. JONES: Of the -- Yes, but of
6 the ones that you've seen based on your
7 observation?

8 INVESTIGATOR GHENENE: I have not
9 seen them working there before in the past.

10 MR. JONES: Okay. So all new
11 faces, to the extent that you have knowledge
12 of, to what you've seen?

13 INVESTIGATOR GHENENE: Yes, sir.

14 MR. JONES: Okay. What about the
15 management staff?

16 INVESTIGATOR GHENENE: As far as I
17 could tell the same thing.

18 MR. JONES: The same thing?

19 INVESTIGATOR GHENENE: I think
20 that they might have retained one and he is I
21 think exclusively in charge of the
22 audio/visual stuff.

1 MR. JONES: Got it, okay.

2 INVESTIGATOR GHENENE: I don't
3 think he does anything else.

4 MR. JONES: All right. And on the
5 nights where you said you noticed that the
6 crowd was generally much smaller than what you
7 were used to seeing under the previous regime,
8 what type of night are we talking about?

9 Are we talking about any night or
10 are we talking about like a Howard homecoming
11 night or when you say the crowd is less can
12 you context it for me?

13 INVESTIGATOR GHENENE: Sure. It's
14 every single night they're open it's less.

15 MR. JONES: Okay. So is it your
16 observation that at no point in time have they
17 ever looked like under any type of scenario
18 condition, any type of event, have they looked
19 like they were near or at their capacity in
20 accordance with their C of O?

21 INVESTIGATOR GHENENE: Well
22 without knowing what their C of O says on it

1 --

2 MR. JONES: Yes.

3 INVESTIGATOR GHENENE: -- yes, I
4 think I can say yes because, yes, I know that
5 that dining area has occupancy, or there could
6 be occupancy in there, it's never, yes, so
7 absolutely yes.

8 MR. JONES: Okay. All right, and
9 one last thing, in terms of your observation
10 when you've been there how many times have you
11 been there outside of the specific activity
12 for this protest hearing, how many other times
13 would you say?

14 Is it on your normal, whatever you
15 call it, your beat, or your runsheet, or
16 whatever the case may be, do you go there like
17 once a month, once a week, what's your typical
18 turnover in terms of your visits?

19 INVESTIGATOR GHENENE: First, I
20 need to know the timeframe, like the last --

21 MR. JONES: Sorry. Ever since you
22 were aware of the fact that it was under new

1 management/ownership.

2 INVESTIGATOR GHENENE: Okay. And
3 then when you say "go there" are you talking
4 about going inside?

5 MR. JONES: I am referring to any
6 type of visit in a professional capacity.

7 INVESTIGATOR GHENENE: Sure. I've
8 probably been there in the last year anywhere
9 between 50 to 80 times.

10 MR. JONES: Fifty to 80 times,
11 wow, okay. And then where I was going with
12 that is, in terms of your knowledge do you
13 believe that it is an active intended action
14 on the part of the management to keep their
15 numbers down in terms of the number of
16 patrons, or is it just that it's just not as
17 popular as it used to be?

18 INVESTIGATOR GHENENE: I mean
19 that's kind of a tough question.

20 MR. JONES: Right, and I'm asking
21 just based on your discussions, dialogue, and
22 observations.

1 INVESTIGATOR GHENENE: Sure. I've
2 noticed that the times that I've been inside
3 the patrons that used to be in there, well
4 that's tough, too, but I've noticed that it's
5 changed.

6 MR. JONES: It's changed, okay.

7 INVESTIGATOR GHENENE: And I know
8 from conversations with the owner he knows
9 it's changed and I know from conversations
10 with the owner that he's lost money and I know
11 from conversations from the owner that he
12 doesn't want to lose money, but he also
13 doesn't want to make it the wrong way.

14 MR. JONES: Got it, fair enough.
15 That's all I need. Thank you very much.
16 Thank you, Madam Chair.

17 CHAIRPERSON MILLER: Okay.
18 Others? I just have one follow up.

19 INVESTIGATOR GHENENE: Yes, ma'am?

20 CHAIRPERSON MILLER: The change in
21 patrons, is there a change of clientele, you
22 know, different types of patrons that --

1 INVESTIGATOR GHENENE: That's, I'm
2 not sure how to answer that.

3 CHAIRPERSON MILLER: Okay.

4 INVESTIGATOR GHENENE: I'm trying
5 to figure out the best way to say this.

6 CHAIRPERSON MILLER: For instance,
7 age or --

8 INVESTIGATOR GHENENE: Probably
9 age is the right way to address it. Maybe, I
10 don't know the right way to put it.

11 CHAIRPERSON MILLER: Okay.

12 INVESTIGATOR GHENENE: But I'll
13 just say that I feel safer in there.

14 CHAIRPERSON MILLER: Okay.

15 INVESTIGATOR GHENENE: Yes.

16 CHAIRPERSON MILLER: Okay. Okay,
17 that's good. Any other Board questions?

18 PARTICIPANT: No.

19 CHAIRPERSON MILLER: Okay.

20 Licensee have questions?

21 MR. HAFFNER: Yes, just a few,
22 because the Board had already anticipated a

1 bunch of the questions I was going to ask.

2 CHAIRPERSON MILLER: Okay.

3 MR. HAFFNER: Just a clarifying
4 question, with respect to the shooting that
5 you mentioned earlier did you have an occasion
6 to speak with the police who were responsible
7 for that area about that particular shooting?

8 INVESTIGATOR GHENENE: I actually
9 did speak with reimbursable detail officers
10 after I found out from Ms. Butler about the
11 shooting and I was told that they didn't not
12 link it to the club or they did not, a report
13 was not generated that would put it on the
14 club.

15 MR. HAFFNER: All right. Okay,
16 and with respect to your conversations with
17 the Applicant, particularly Mr. Clyde Thomas,
18 you mentioned that there have been
19 conversations with the community, correct?

20 INVESTIGATOR GHENENE: Yes, sir.

21 MR. HAFFNER: And from what you,
22 and you've had conversations with the

1 community as well?

2 INVESTIGATOR GHENENE: Yes, sir.

3 MR. HAFFNER: And based on your
4 conversations with the community and with Mr.
5 Clyde Thomas do you believe that there's
6 anything the Applicant hasn't done with
7 respect to addressing their concerns?

8 INVESTIGATOR GHENENE: You know,
9 that's kind of one of the, a difficult
10 question, too, and I don't want to trivialize
11 what their concerns are.

12 But what I can say is that Mr.
13 Thomas and his colleagues appear to be very
14 open to any kind of suggestions or dialogue,
15 and like I was telling Board Member Jones,
16 they've suffered, Mr. Thomas has stated that
17 they've suffered financial loss as a result of
18 trying to do things the right way and make
19 money the right way.

20 And if you're willing to do that
21 it would make sense to me that you're willing
22 to also help out.

1 MR. HAFFNER: No further
2 questions.

3 CHAIRPERSON MILLER: Okay. Ms.
4 Butler?

5 MS. BUTLER: Good evening.

6 INVESTIGATOR GHENENE: Good
7 evening.

8 MS. BUTLER: For the record, I
9 know we didn't go through all of the
10 information in the report, but for the record
11 what date and time did you visit the
12 establishment?

13 INVESTIGATOR GHENENE: I visited
14 there a lot of times, ma'am.

15 MS. BUTLER: Okay. For this
16 protest period is there a date and time,
17 specific date and times as to when you visited
18 the area?

19 INVESTIGATOR GHENENE: In the
20 report I've listed one, two, three, four,
21 five, six, seven days with times attached to
22 them.

1 However, with regard to this
2 protest I've probably visited another 40 times
3 as well.

4 MS. BUTLER: In your record can
5 you expound on the date and the timeframe?

6 INVESTIGATOR GHENENE: Sure, no
7 problem. We've got Friday, March 14th from
8 11:40 to 11:50 p.m., Saturday, March 29th from
9 3:00 a.m. to 3:15, Tuesday, June 17th, 9:20 to
10 10:00 p.m., Wednesday, June 18th, 12:20 to
11 12:48 a.m., Thursday, June 19th 12:00 a.m. to
12 12:30 a.m., Friday, June 20th, 10:50 to 11:10
13 p.m., Saturday, June 21st, 12:35 to 3:25 a.m.

14 MS. BUTLER: Thank you.

15 INVESTIGATOR GHENENE: Sure.

16 MS. BUTLER: You stated that you
17 have been there well over 50 times since
18 you've been investigating the club.

19 INVESTIGATOR GHENENE: Yes, ma'am.

20 MS. BUTLER: How many security
21 guards are normally at the door?

22 INVESTIGATOR GHENENE: I'm not

1 sure.

2 MS. BUTLER: You stated that have
3 witnessed flyers on government vehicles?

4 INVESTIGATOR GHENENE: Yes, ma'am.

5 MS. BUTLER: Have you witnessed
6 any litter during activities during the night
7 with Stadium being open on the ground?

8 INVESTIGATOR GHENENE: Yes, I've
9 seen, you know, probably soda cans, soda
10 bottles, stuff like that, but, again, there's
11 a lot of different businesses on that street.

12 MS. BUTLER: Yes. Have you seen
13 trash or litter surrounding Stadium Club?

14 INVESTIGATOR GHENENE: No, ma'am.

15 MS. BUTLER: So over the 50 times,
16 50 plus times that you've been there you've
17 never witnessed trash or bottles or anything
18 surrounding Stadium?

19 INVESTIGATOR GHENENE: I don't
20 think that's a, I don't think I can answer
21 that honestly because all 50 times I wasn't
22 looking for trash, but on the times that I was

1 looking for trash or litter I did not observe
2 that.

3 MS. BUTLER: Okay. So if you
4 weren't looking would it be fair to say that
5 there could have been trash there?

6 INVESTIGATOR GHENENE: Absolutely.

7 MR. HAFFNER: Objection.

8 CHAIRPERSON MILLER: Objection,
9 what?

10 MR. HAFFNER: Yes, it calls for
11 speculation. He has no basis for knowing
12 whether there would be trash or not on the
13 days he wasn't there, how would he know.

14 CHAIRPERSON MILLER: I'm going to
15 overrule it because, I mean his response was
16 basically could of, you know. Okay.

17 MS. BUTLER: Okay. How many
18 reimbursable detail officers have you
19 witnessed on the premises of Stadium since the
20 time you have witnessed?

21 INVESTIGATOR GHENENE: It's
22 varied, so I'm not sure how to answer that.

1 MS. BUTLER: Okay. Are there
2 reimbursable details in the area?

3 INVESTIGATOR GHENENE: Yes. Well,
4 it's also varied, the numbers, yes.

5 MS. BUTLER: Okay. And what's the
6 proximity for the reimbursable detail officers
7 to Stadium Club?

8 INVESTIGATOR GHENENE: When? Are
9 you talking about the ones that have been
10 hired by Stadium?

11 MS. BUTLER: Well the reimbursable
12 detail that you have witnessed what is their
13 proximity to Stadium Club?

14 INVESTIGATOR GHENENE: That's what
15 I'm asking you. Are you talking about the
16 ones hired by the club?

17 MS. BUTLER: Correct, correct.

18 INVESTIGATOR GHENENE: Again, it
19 varies. I know that I've seen two stand on
20 the outside of the gates on Queens Chapel Road
21 assisting in the traffic flow, but I've also
22 seen two to four in the parking lot by the

1 door and I've seen them inside doing walk-
2 throughs.

3 MS. BUTLER: Okay. So you have
4 witnessed Metropolitan Police Department
5 reimbursable detail inside the establishment?

6 INVESTIGATOR GHENENE: Yes, ma'am.

7 MS. BUTLER: Okay. You stated
8 that Stadium has improved a social media
9 presence. Are you signed up for notification
10 to receive?

11 INVESTIGATOR GHENENE: No, ma'am.

12 MS. BUTLER: So how would you know
13 that they've improved their social media
14 presence?

15 INVESTIGATOR GHENENE: I don't
16 know if I said "improved," but I said that
17 I've noticed that they've changed some of the
18 things that they've done and that's part of my
19 duties and responsibilities.

20 MS. BUTLER: So over the last four
21 years that you have investigated the area have
22 you witnessed Stadium at its capacity?

1 INVESTIGATOR GHENENE: I'm sure
2 I've been in there or been around there when
3 they've been over, or at their capacity, or
4 right about their capacity, yes.

5 MS. BUTLER: Okay. Out of those
6 50 times or more how many times would you say
7 that they've been at capacity?

8 INVESTIGATOR GHENENE: Out of
9 those, well it hasn't happened in the last
10 year, so it wouldn't be in those 50 times, but
11 before that under the old ownership my mind
12 specifically reminds of one night and it was
13 during Howard homecoming weekend where, well
14 that entire weekend they were at capacity, or
15 as a matter of fact I don't, well, yes, they
16 were at capacity.

17 MS. BUTLER: Okay. You also
18 stated that you spoke with the reimbursable
19 detail regarding the shooting?

20 INVESTIGATOR GHENENE: Ma'am?

21 MS. BUTLER: I'm sorry. You
22 stated that you spoke with the reimbursable

1 detail regarding the shooting that was
2 mentioned earlier?

3 INVESTIGATOR GHENENE: I said I
4 spoke to reimbursable detail officers in that
5 area --

6 MS. BUTLER: Correct, right.

7 INVESTIGATOR GHENENE: -- not
8 necessarily specifically assigned to Stadium.

9 MS. BUTLER: Okay. So do they
10 patrol that area during club nights or Stadium
11 nights when it's open or are they from
12 different areas?

13 INVESTIGATOR GHENENE: I'm not
14 sure I understand.

15 MS. BUTLER: Well you stated that
16 you spoke with reimbursable detail officers
17 but they don't usually patrol that area.

18 INVESTIGATOR GHENENE: Are you
19 asking me a question?

20 MS. BUTLER: Right. So did you,
21 you stated that you spoke with reimbursable
22 detail officers regarding the shooting.

1 INVESTIGATOR GHENENE: That's
2 correct. Yes, ma'am.

3 MS. BUTLER: Okay. Do you have
4 the names of those officers?

5 INVESTIGATOR GHENENE: No, ma'am.

6 MS. BUTLER: Okay. Do you know if
7 they are assigned to Queens Chapel area?

8 INVESTIGATOR GHENENE: When they
9 are part of the reimbursable detail --

10 MS. BUTLER: Yes.

11 INVESTIGATOR GHENENE: -- or
12 outside of that assignment?

13 MS. BUTLER: Right. The officers
14 you spoke to about the shooting --

15 INVESTIGATOR GHENENE: Yes, ma'am.

16 MS. BUTLER: -- were they assigned
17 to the Queens Chapel area for that night?

18 INVESTIGATOR GHENENE: I'm
19 unaware.

20 MS. BUTLER: Okay. Are they
21 assigned to that area any other night?

22 INVESTIGATOR GHENENE: I'm unaware

1 -- That area?

2 MS. BUTLER: Correct, yes.

3 INVESTIGATOR GHENENE: All of them
4 are members of the 5th District.

5 MS. BUTLER: But the reimbursable
6 detail, were they assigned for --

7 INVESTIGATOR GHENENE: Oh, as
8 members of the reimbursable detail?

9 MS. BUTLER: Correct.

10 INVESTIGATOR GHENENE: That night
11 I don't know, but I can say this, that those,
12 the officers I spoke to on, out of the 50
13 times that I've been there let's say 25 are
14 nights when both, when all, well let's say two
15 out of the three establishments are open, out
16 of those 25 occasions 20 out of those 25
17 occasions those officers were there.

18 So in general it's the same
19 officers that are working all three
20 reimbursable details when those establishments
21 are open, in general.

22 MS. BUTLER: Okay. But they were

1 not assigned for, to Stadium that night of the
2 shooting?

3 INVESTIGATOR GHENENE: I don't
4 know.

5 MS. BUTLER: Okay. Are you aware
6 of an incident that occurred at Stadium during
7 Labor Day 2013 where reality star Joseline
8 Hernandez and Stevie J attended?

9 INVESTIGATOR GHENENE: I am
10 unaware. Well, I'm unaware that they
11 attended. You'd have to tell me more about
12 why that's significant because it's possible.

13 MS. BUTLER: Right. Right, there
14 were several fights that broke out that night
15 as well as a report --

16 MR. HAFFNER: Objection. I
17 believe she's testifying and not asking a
18 question.

19 CHAIRPERSON MILLER: I'm sorry,
20 can you speak up?

21 MR. HAFFNER: I said I believe
22 she's testifying and not asking a question.

1 CHAIRPERSON MILLER: Yes, it's
2 just that the witness asked her for --

3 MS. BUTLER: He asked for
4 clarification, so --

5 CHAIRPERSON MILLER: Yes. So I'm
6 going to overrule it.

7 MEMBER SILVERSTEIN: Madam Chair?

8 CHAIRPERSON MILLER: Yes?

9 MEMBER SILVERSTEIN: I just want
10 to be helpful here, I don't want to make it
11 sound like I'm telling you what to do, but I
12 want you both to know that the time that you
13 spend questioning other witnesses is used
14 against your 90 minutes.

15 I just want to make sure you know
16 that so that you're not blindsided.

17 MS. BUTLER: Okay, thank you.

18 CHAIRPERSON MILLER: And you can
19 also ask periodically how much time you have
20 left.

21 MS. BUTLER: Okay, thank you.

22 CHAIRPERSON MILLER: Yes.

1 MS. BUTLER: Okay. Have you ever
2 driven through the residential community or
3 observed any patrolling from MPD officers?

4 INVESTIGATOR GHENENE: Have I ever
5 driven through the --

6 MR. HAFFNER: I'm going to object,
7 that's a compound question.

8 CHAIRPERSON MILLER: It is a
9 compound question. Ms. Butler --

10 MS. BUTLER: I'm sorry.

11 CHAIRPERSON MILLER: Okay.

12 MS. BUTLER: I'm sorry. Have you
13 ever driven through the community, the
14 residential community during the times that
15 Stadium has been open?

16 INVESTIGATOR GHENENE: Every time
17 that I'm there.

18 MS. BUTLER: Okay. Have you
19 observed patrolling of MPD officers during the
20 night that Stadium is open?

21 INVESTIGATOR GHENENE: Yes, I
22 have. I've witnessed MPD officers in the

1 area.

2 MS. BUTLER: Okay. Out of those
3 50 times how many times have you witnessed?

4 INVESTIGATOR GHENENE: Again,
5 that's one of those things where I wasn't
6 paying attention looking for that, so I'm
7 going to give you a guess and I'd say that
8 typically probably any time I was there for a
9 Friday or Saturday night there were cars over
10 there.

11 Yes, I'd say probably half to 75
12 percent of the time I saw police cars outside
13 of the MPD detail in the neighborhoods.

14 MS. BUTLER: Okay. And do you,
15 can you name the streets or the area?

16 INVESTIGATOR GHENENE: That's
17 tough, but since I use, you know, I was using
18 the same, I generally use the same route to
19 get to that area, I know that I've seen them
20 on Franklin, and what's that street right
21 below Franklin?

22 So basically once you're traveling

1 on Queens Chapel towards Rhode Island Avenue,
2 those first couple of streets once you go over
3 the bridge I've seen police presence in that
4 neighborhood.

5 MS. BUTLER: All right, thank you.

6 INVESTIGATOR GHENENE: Sure.

7 CHAIRPERSON MILLER: Okay. Thank
8 you very much.

9 INVESTIGATOR GHENENE: Yes, ma'am.

10 CHAIRPERSON MILLER: Have a good
11 night.

12 COURT REPORTER: Excuse me, can I
13 just get your name for the record?

14 INVESTIGATOR GHENENE: Sure. It's
15 Abyie, A-B-Y-I-E, Ghenene, G-H-E-N-E-N-E.

16 COURT REPORTER: Thank you.

17 INVESTIGATOR GHENENE: Sure.

18 CHAIRPERSON MILLER: Okay. Mr.
19 Haffner, are you ready with your first
20 witness?

21 MR. HAFFNER: We are.

22 CHAIRPERSON MILLER: Okay.

1 MR. HAFFNER: I'd like to call
2 Rudy Thomas. Can he testify here?

3 CHAIRPERSON MILLER: Okay. Would
4 you come to the witness --

5 MR. HAFFNER: Or should --

6 CHAIRPERSON MILLER: I'm going to
7 swear you in.

8 MR. THOMAS: Oh, sure.

9 CHAIRPERSON MILLER: Do you swear
10 to tell the truth, the whole truth, and
11 nothing but the truth?

12 (No audible answer)

13 CHAIRPERSON MILLER: Okay, thank
14 you.

15 MR. HAFFNER: All right, sir, can
16 you state your name for the record please and
17 spell it?

18 MR. THOMAS: Rudolph Thomas, R-U-
19 D-O-L-P-H, T-H-O-M-A-S.

20 MR. HAFFNER: Thank you. So what
21 is your connection to the Applicant?

22 MR. THOMAS: I am the majority

1 owner of RCX, LLC.

2 MR. HAFFNER: Okay. And how did
3 you become affiliated with the establishment,
4 with the club?

5 MR. THOMAS: I was a debt holder
6 on the club and as we worked out a situation
7 to, well they defaulted on the note and as we
8 worked out the situation we took over
9 management of the club.

10 MR. HAFFNER: And you say "they
11 defaulted," can you be a little bit more
12 specific?

13 MR. THOMAS: The former owners,
14 Mr. Redding and Mr. Forney.

15 MR. HAFFNER: Mr. Thomas, do you
16 have any experience, specific experience,
17 running a club of this sort, a club like the
18 Stadium?

19 MR. THOMAS: Not specifically, but
20 I've hired individuals to run the club, the
21 establishment.

22 MR. HAFFNER: Okay. Can you

1 expound a bit on that answer? Who have you
2 hired and why?

3 MR. THOMAS: Most specifically
4 Anthony Morse, Nathaniel Johnson, who's also
5 a principal of RCX, LLC has experience running
6 these types of operations as well.

7 MR. HAFFNER: Okay. And who is
8 Mr. Anthony Morse?

9 MR. THOMAS: Anthony Morse is my
10 general manager, has 28 years of experience in
11 the nightclub industry.

12 MR. HAFFNER: Can you speak a bit
13 to his duties as general manager?

14 MR. THOMAS: Yes. He oversees the
15 day-to-day management of the club, the ins and
16 outs, and he's generally the point of contact.

17 MR. HAFFNER: And how many days a
18 week does he work?

19 MR. THOMAS: I believe six days a
20 week.

21 MR. HAFFNER: And do you have any
22 sense of the hours he works?

1 MR. THOMAS: Anthony generally
2 works between six and 3:00 p.m, 3:00 a.m,
3 sorry.

4 MR. HAFFNER: And you mentioned a
5 Nate Johnson, yes?

6 MR. THOMAS: Nate Johnson is a
7 principal of RCX, LLC.

8 MR. HAFFNER: And what does he do
9 in his capacity as principal of RCX, LLC?

10 MR. THOMAS: He oversees the
11 financial, the finances of the club and also
12 works with Mr. Morse in the day-to-day
13 management of the club as well.

14 MR. HAFFNER: Okay. Have you
15 hired or engaged anybody else with respect to
16 the management or the approach to management
17 of the club?

18 MR. THOMAS: Yes. Totally we
19 hired all new management from bar,
20 maintenance, and also kitchen staff as well.

21 MR. HAFFNER: Okay. Did you
22 retain any employees?

1 MR. THOMAS: Just one employee,
2 the comptroller was retained.

3 MR. HAFFNER: Okay.

4 MR. THOMAS: Mike Smith is his
5 name.

6 MR. HAFFNER: I'm sorry?

7 MR. THOMAS: Mike Smith is his
8 name.

9 MR. HAFFNER: Okay. With regard
10 to any third-party consultants who may have
11 helped you plan or plot the strategy with
12 respect to your management are there any?

13 MR. THOMAS: Yes. We hired Jeff
14 Jackson as a consultant, I believe his
15 company's called ABC Consulting, and we hired
16 him to oversee, help us with the guidelines,
17 that we maintain all the guidelines needed to
18 function.

19 MR. HAFFNER: And whose guidelines
20 are you referring to?

21 MR. THOMAS: Oh, ABRA and any
22 other guidelines that we come across that we

1 have to abide by.

2 MR. HAFFNER: Okay. Now as a
3 result of the new hires you've made and your
4 consultation with Jeff Jackson, what changes,
5 if any, have you made to club security?

6 MR. THOMAS: We heightened our
7 club security. We also redid our entire
8 security plan as well.

9 MR. HAFFNER: Okay. Can you be a
10 bit more specific about how you approached the
11 security --

12 MR. THOMAS: So we've increased, I
13 think we've doubled our security and then
14 we've also hired more MPD detail as well on
15 the premises on Friday and Saturday nights.

16 MR. HAFFNER: Okay. Speak to me a
17 bit more about the client base, particularly
18 the client base that you had before your
19 takeover of management and how that compares
20 to the client base you have now?

21 MR. THOMAS: With just respect due
22 to a lot of I've been told to past clientele,

1 I think we've been primarily focused on, the
2 Investigator said specifically he didn't know
3 how to say this and I can allude to it, but I
4 guess bring a more established clientele base,
5 I should say, to the premises and we focused
6 on the dress code in reference to establishing
7 that procedure going forward.

8 MR. HAFFNER: And so let's talk
9 about the dress code. What is the dress code
10 at Stadium?

11 MR. THOMAS: I believe we don't
12 accept hats, we don't accept any, I think they
13 call it activewear now, no boots, no shorts,
14 I think that's primarily the overall dress
15 code.

16 MR. HAFFNER: Okay. Talk to me a
17 bit about your approach to advertising, how
18 does Stadium now advertise?

19 MR. THOMAS: Solely social media.
20 We don't use any flyers whatsoever. Social
21 media, LinkedIn, specifically Facebook,
22 Twitter, I believe Instagram as well.

1 MR. HAFFNER: Do you employ the
2 use of flyers?

3 MR. THOMAS: No.

4 MR. HAFFNER: Okay. Have you
5 employed the use of flyers since you've taken
6 over the management?

7 MR. THOMAS: I don't believe so.

8 MR. HAFFNER: Okay. Do you
9 prevent -- Strike that. Okay, is it fair to
10 say that the, well permission to approach the
11 witness?

12 CHAIRPERSON MILLER: Yes. Are you
13 going to show them something?

14 MR. HAFFNER: I'm just going to
15 show him this document here that has been
16 identified --

17 CHAIRPERSON MILLER: Have we shown
18 Ms. Butler?

19 MR. HAFFNER: Yes, she should have
20 a copy of this. Mr. Clyde Thomas, I'm showing
21 you a document, can you identify that for the
22 Board, please?

1 MR. THOMAS: That's the Stadium
2 Club Business Plan.

3 MR. HAFFNER: Okay. And did you
4 have, did you draft or have a role in the
5 drafting of this particular document?

6 MR. THOMAS: Yes.

7 MR. HAFFNER: Okay. And is it
8 fair to say that the changes that we've just
9 discussed regarding security, the clientele,
10 advertising instructions --

11 CHAIRPERSON MILLER: Can you get
12 him?

13 COURT REPORTER: Yes.

14 CHAIRPERSON MILLER: Okay.

15 MR. HAFFNER: -- is included in
16 this document?

17 MR. THOMAS: Say it again, please,
18 sorry. I was --

19 MR. HAFFNER: Is it fair to say
20 that the changes we just discussed regarding
21 security and change in the clientele,
22 advertising are all included in this document?

1 MR. THOMAS: Yes.

2 MR. HAFFNER: Barring the
3 objection, I'd like to enter what's been
4 marked as Applicant's Exhibit Number 1.

5 CHAIRPERSON MILLER: Okay. Is
6 there any objection? Not hearing any, but
7 it's admitted as Applicant's Exhibit Number 1,
8 which is the Business Plan.

9 (Whereupon, the above-referenced
10 to document was received into evidence as
11 Applicant Exhibit No. 1.)

12 MR. HAFFNER: That's right.

13 CHAIRPERSON MILLER: Okay.

14 MR. HAFFNER: Shall I approach and
15 give you guys --

16 MEMBER ALBERTI: No, someone will
17 grab it, someone can from this side.

18 MR. HAFFNER: Mr. Clyde Thomas, in
19 your role as owner of RCX do you have or have
20 you had an occasion to interact with the
21 community immediately surrounding the club?

22 MR. THOMAS: Not directly, but I

1 believe Mr. Johnson and Mr. Morse have been
2 active in engaging them and we know that going
3 forward we have tried to engage with them and
4 we want to increase our engagement with the
5 community going forward. We know we have to.

6 MR. HAFFNER: Is there any
7 particular reason why you personally haven't
8 been engaged in any of these discussions?

9 MR. THOMAS: Just the nature of my
10 business. I fly quite constantly and I
11 believe when meetings have been scheduled I
12 just haven't been around.

13 MR. HAFFNER: Okay. Mr. Thomas,
14 do you believe that RCX, as manager of
15 Stadium, is a good neighbor?

16 MR. THOMAS: Yes, I think we are a
17 good neighbor. Again, we've actively tried to
18 engage the community. It was pretty well
19 noted in our last, you know, the last time
20 that we had a hearing of how important it was
21 and I think we've made strides to engage Ms.
22 Butler and I think going forward we want to

1 improve on that even more so.

2 MR. HAFFNER: All right. I have
3 no further questions.

4 CHAIRPERSON MILLER: Ms. Butler?

5 MS. BUTLER: Mr. Thomas, you
6 stated that previous owners, True Redding and
7 Keith Forney defaulted on a loan. When did
8 they default on that loan?

9 MR. THOMAS: I believe they
10 defaulted on the note Spring of 2012.

11 MS. BUTLER: Okay. Spring of
12 2012?

13 MR. THOMAS: I believe so.

14 MS. BUTLER: Okay. And when did
15 you become new owners or management of Stadium
16 Club?

17 MR. THOMAS: We joined the Stadium
18 Club I believe was November of 2013.

19 MS. BUTLER: November 2013?

20 MR. THOMAS: Yes.

21 MS. BUTLER: Are you aware that
22 Mr. Redding appeared at the status hearing in

1 April of 2013?

2 MR. THOMAS: Yes.

3 MS. BUTLER: Was Mr. Redding an
4 owner in April 2014?

5 MR. THOMAS: Yes.

6 MR. HAFFNER: Objection. I
7 believe the question prior was 2013 and it was
8 actually 2014, so I just wanted to --

9 MS. BUTLER: I'm sorry.

10 CHAIRPERSON MILLER: Wait a
11 second.

12 MS. BUTLER: It's 2014,
13 clarification for 2014.

14 CHAIRPERSON MILLER: What is 2014?
15 The status hearing?

16 MS. BUTLER: Correct. At the
17 status hearing in April 2014.

18 CHAIRPERSON MILLER: Okay.

19 MR. THOMAS: Can you repeat the
20 question then again, please?

21 MS. BUTLER: Were you aware that
22 Mr. Redding appeared at the status hearing in

1 April of 2014?

2 MR. THOMAS: Yes.

3 MS. BUTLER: Okay. Was he an
4 owner?

5 MR. THOMAS: Yes.

6 MS. BUTLER: Are there any other
7 parties affiliated with Stadium other than the
8 ones present here today?

9 MR. THOMAS: Yes.

10 MS. BUTLER: And who would that
11 be?

12 MR. THOMAS: John Vassos.

13 MS. BUTLER: And who is Mr. John
14 Vassos?

15 MR. THOMAS: He's a silent
16 partner.

17 MS. BUTLER: Okay. Would there be
18 anyone else?

19 MR. THOMAS: No.

20 MS. BUTLER: Are you aware of the
21 activities previous to the new, your new, well
22 are you -- Sorry, strike that.

1 Are you aware of the activities
2 from 2010 up until 2014?

3 MR. THOMAS: Specifically?

4 MS. BUTLER: As well as shootings
5 and stabbings at the establishment?

6 MR. THOMAS: To some degree, yes,
7 you know, from possibly the news and hearsay.

8 MR. HAFFNER: Objection. I think
9 that's calling for facts not in evidence.
10 There's no evidence that there were any
11 shootings or stabbings and she's asking about
12 that at the establishment.

13 MS. BUTLER: Yes, there's an
14 investigator report with these particular
15 incidents that have happened at Stadium.

16 MR. HAFFNER: Which haven't been
17 introduced as evidence.

18 MS. BUTLER: Ma'am, the Chief of
19 Police --

20 CHAIRPERSON MILLER: Okay, what
21 are you referring to?

22 MS. BUTLER: -- have shut down the

1 club for 96 hours based on shootings and
2 stabbings at the establishment and I'm
3 referring to those again.

4 CHAIRPERSON MILLER: In any
5 particular year or you're just saying in
6 general did he hear --

7 MS. BUTLER: I said from, I gave
8 him from 2010 up until 2014 was he aware of
9 any incidents that have occurred at the
10 establishment between that time period.

11 CHAIRPERSON MILLER: Okay. I'll
12 allow that.

13 MR. THOMAS: Sorry about that.

14 MR. HAFFNER: I'm going to object
15 and ask for something, a question that's more
16 specific.

17 MS. BUTLER: Okay.

18 MR. HAFFNER: Any incidents could
19 be anything.

20 MS. BUTLER: Are you aware of a
21 shooting that --

22 MR. HAFFNER: I believe there's an

1 objection --

2 CHAIRPERSON MILLER: She's
3 rephrasing the question. Are you rephrasing
4 the question?

5 MS. BUTLER: I'm rephrasing the
6 question.

7 CHAIRPERSON MILLER: Yes, okay.

8 MS. BUTLER: Are you aware of a
9 shooting that occurred in 2012 at Stadium
10 nightclub?

11 MR. THOMAS: I can't recall off
12 the top of my head.

13 MS. BUTLER: Okay. Are you aware
14 of a stabbing that occurred in 2013?

15 MR. THOMAS: Yes.

16 MS. BUTLER: You stated that you
17 don't use flyers, is that correct?

18 MR. THOMAS: Yes.

19 MS. BUTLER: Okay. Do you use
20 posters?

21 MR. THOMAS: No, not that I'm
22 aware of.

1 MS. BUTLER: Have you personally
2 met with the community?

3 MR. THOMAS: Not personally, no.

4 MS. BUTLER: What other strategies
5 have you tried other than the club to be a
6 good steward of the community?

7 MR. THOMAS: I think most
8 importantly it's just meeting with you
9 directly, hearing your concerns as they're
10 attributable to us being a new management,
11 your concerns on the past transgressions of
12 former ownership, how we can improve what
13 you're looking for.

14 I think we've tried to definitely
15 implement all those different things. I think
16 we've been successful in doing so. I think,
17 like was, you know, exactly what was stated
18 earlier, I think our patrons, we've created a
19 safe environment not only in our establishment
20 but the surrounding establishment just with
21 the heightened security as well.

22 And we just look forward to

1 further engaging you and the community and to
2 make sure that we continue to run a safe
3 establishment like we've been doing.

4 MS. BUTLER: What is your capacity
5 limit for Stadium?

6 MR. THOMAS: You mean capacity of
7 patrons?

8 MS. BUTLER: Correct.

9 MR. THOMAS: Four hundred.

10 MS. BUTLER: Four hundred patrons?

11 MR. THOMAS: Yes.

12 MS. BUTLER: And how many parking
13 spaces do you have?

14 MR. THOMAS: I believe he was
15 correct in saying about 50.

16 MS. BUTLER: About 50?

17 MR. THOMAS: I'd say 50.

18 MS. BUTLER: Fifty?

19 MR. THOMAS: Yes.

20 MS. BUTLER: Okay. Do you hire
21 employees directly or are they independent
22 contractors?

1 MR. THOMAS: Our valet service are
2 all independent contractors. Every other
3 employee that we hire is, we hire them
4 directly.

5 MS. BUTLER: Has any of your
6 current management staff been involved in
7 allegations of criminal misconduct?

8 MR. THOMAS: No.

9 MS. BUTLER: Has any of your
10 employees past or present filed a lawsuit
11 against you?

12 MR. THOMAS: I can't attest to
13 that. I can't answer that directly.

14 MS. BUTLER: Do you hire cleanup
15 crews to pick up trash?

16 MR. THOMAS: No. Our cleanup crew
17 is our, we call them barbacks, so they are
18 part of our bar patrons with their assistance
19 and they help cleanup.

20 MS. BUTLER: And how many?

21 MR. THOMAS: Eight.

22 MS. BUTLER: And where do they

1 pick up?

2 MR. THOMAS: They pick up our
3 surrounding area, so it's right in front of
4 our establishment around the corridor, on
5 Bladensburg Road, and then also sometimes we
6 have, the Wells Fargo lot, they also clean up
7 there.

8 MS. BUTLER: You stated that you
9 don't use posters, correct?

10 MR. THOMAS: Correct.

11 MS. BUTLER: Ma'am, is it okay if
12 I present a picture to you of a poster?

13 CHAIRPERSON MILLER: You want to
14 show Mr. Haffner first.

15 (Off the record comments)

16 MS. BUTLER: Okay. Are you aware
17 of the Mastermind concert after party that's
18 advertised on this?

19 MR. THOMAS: Not at all.

20 MS. BUTLER: Okay. Is your name
21 associated on this flyer --

22 MR. THOMAS: Do you have the date

1 on that?

2 MS. BUTLER: This is, I'm sorry.

3 (Off the record comments)

4 MS. BUTLER: Are you aware of the
5 Mastermind? I do not have the date, I'm
6 sorry.

7 MR. THOMAS: No. No, I'm not
8 aware of a Mastermind after party at all.

9 MS. BUTLER: Okay. But do you
10 agree that your name is on this flyer?

11 MR. THOMAS: It says Stadium on
12 there.

13 MS. BUTLER: Okay. That's all
14 that I have.

15 CHAIRPERSON MILLER: Okay. Any
16 Board questions?

17 MR. SHORT: Mr. Short does.

18 CHAIRPERSON MILLER: Go ahead.

19 MR. SHORT: Good evening, Mr.
20 Thomas.

21 MR. THOMAS: Good evening, how are
22 you?

1 MR. SHORT: We just heard your
2 testimony that you had apparently a financial
3 interest that was not paid on time?

4 MR. THOMAS: Exactly.

5 MR. SHORT: What was the period of
6 time you had the financial interest, how many
7 years?

8 MR. THOMAS: I had it for about a
9 year.

10 MR. SHORT: For about a year?

11 MR. THOMAS: Yes.

12 MR. SHORT: And that means you got
13 a part of the profits while the club was still
14 having its issues?

15 MR. THOMAS: No. My financial
16 interest was solely on the real estate.

17 (Off the record comments)

18 MR. SHORT: Okay. I guess the
19 question I'm trying to find out is you said,
20 and we also heard testimony that the profits
21 now have declined because of your cost of
22 change.

1 MR. THOMAS: Exactly, yes. Yes,
2 significantly.

3 MR. SHORT: Well I'll just say
4 this, you know, pretty much the club has
5 caused a lot of issues that have caught my
6 attention, I don't know about the other Board
7 Members.

8 MR. THOMAS: Right.

9 MR. SHORT: And that I'm glad to
10 hear things are changing a little bit, but I
11 still want to hear the rest of the testimony
12 before I do anything else today with that.

13 MR. THOMAS: Thank you.

14 MR. SHORT: Thank you, Madam
15 Chair.

16 CHAIRPERSON MILLER: Mr.
17 Rodriguez?

18 MEMBER RODRIGUEZ: Yes, sir, your
19 dress standards, I guess they all wear nice
20 ties like you, on a lighter note, but have you
21 experienced any resistance to your new dress
22 code and your new culture that you're trying

1 to engender here?

2 MR. THOMAS: Of course.

3 MEMBER RODRIGUEZ: What kind of
4 resistance have you, have you had to throw
5 people out or you --

6 MR. THOMAS: Well I think the
7 former patrons had been used to, you know,
8 attending that establishment, of course, you
9 know, it was quite a popular establishment and
10 as you can assume that there are a lot of
11 patrons that, you know, are used to or
12 frequent the establishment.

13 MEMBER RODRIGUEZ: Okay.

14 MR. THOMAS: So when they're told
15 no and/or that they have to change their dress
16 standards, as you can imagine not everybody's
17 happy about that.

18 MEMBER RODRIGUEZ: Yes.

19 MEMBER RODRIGUEZ: So, you know,
20 it's been quite arduous, especially earlier,
21 for us to instill those changes but we stuck
22 true to it and, you know, obviously, we've

1 paid a price to it, but, you know, again, to
2 allude to what the Investigator said we're
3 committed and we know it's going to take time.

4 MEMBER RODRIGUEZ: Okay. Thank
5 you.

6 MR. THOMAS: Yes.

7 CHAIRPERSON MILLER: Mr. Alberti?

8 MEMBER ALBERTI: Good evening, Mr.
9 Thomas.

10 MR. THOMAS: Good evening, how are
11 you?

12 MEMBER ALBERTI: I just, you
13 peaked my curiosity with the financial
14 interest. So Mr. Redding defaulted sometime
15 in 2012?

16 MR. THOMAS: Yes.

17 MEMBER ALBERTI: Okay. You think
18 Spring, well whatever it was. So a year prior
19 to that you acquired a financial interest in
20 the business?

21 MR. THOMAS: Right.

22 MEMBER ALBERTI: Okay. What was

1 the nature of that financial interest?

2 MR. THOMAS: We brought, I owned
3 the note on the building from like, from Eagle
4 Bank. They no longer wanted to do business
5 with Mr. Redding.

6 MEMBER ALBERTI: Okay.

7 MR. THOMAS: And I bought the note
8 from Eagle Bank, so I essentially owned the
9 mortgage.

10 MEMBER ALBERTI: On the building?

11 MR. THOMAS: Exactly.

12 MEMBER ALBERTI: Okay. Thank you.

13 MR. THOMAS: You're welcome.

14 MEMBER ALBERTI: All right, let's
15 switch gears now. All right, so what's your
16 typical, I'll say typical, what's your typical
17 weekday crowd, I mean how many people, total
18 how many at one time?

19 MR. THOMAS: Typical weekday, I
20 mean that, you know, obviously it varies. I
21 mean we run a lot of different promotions on
22 the weekly basis, so I mean you can go from,

1 I'll give you a range if that'll satisfy the
2 question.

3 We'll go from, you know, having 27
4 patrons one night and we'll have let's say at
5 most possibly during the week 75.

6 MEMBER ALBERTI: At one time?

7 MR. THOMAS: Yes, sir.

8 MEMBER ALBERTI: Okay. And on
9 weekends?

10 MR. THOMAS: Weekends will go
11 from, I'd say on a Friday we'll entertain
12 about 250 patrons and on a Saturday pretty
13 much the same, 250 to 275.

14 MEMBER ALBERTI: And number of
15 security during the week?

16 MR. THOMAS: During the week it
17 varies from day to day. So we have, we pretty
18 much guesstimate, you know, the patrons that
19 we have on different days, but I mean if you
20 want a, I'd say it goes --

21 MEMBER ALBERTI: It varies, what
22 are the parameters that make you decide on

1 what --

2 MR. THOMAS: I mean on a Monday --

3 MEMBER ALBERTI: Let me finish my
4 question.

5 MR. THOMAS: I'm sorry.

6 MEMBER ALBERTI: What are the
7 parameters that make you decide how many
8 security you're going to have?

9 MR. THOMAS: I mean on a Monday
10 you're not going to get more than 30 people in
11 there, you know, and again on a Wednesday we
12 might see 75, and we pretty know exactly what
13 days, depending on specific promotions, you
14 know, what type of, we can gauge the number of
15 patrons that we have given, you know, the
16 promotions that we've run we've run them for
17 some time now so we have some type of
18 experience as to what to expect.

19 MEMBER ALBERTI: All right. Is it
20 purely numbers that drive the security or is
21 the nature of the promotion or --

22 MR. THOMAS: It's generally, I

1 mean the nature of the promotion we have a
2 pretty narrow client base or patron base now,
3 so, you know, the nature of the patrons not
4 changing or varying much from a Monday to a
5 Saturday, et cetera, you know.

6 So it's not generally associated
7 to what kind of patrons we're entertaining on
8 a specific night.

9 MEMBER ALBERTI: So you're
10 expecting a crowd of 75 how many security
11 people do you have?

12 MR. THOMAS: Specifically 75 I'd
13 say, I'm being quoted on this, but --

14 MEMBER ALBERTI: If you don't know
15 and someone else would --

16 MR. THOMAS: Yes, someone else can
17 answer that question more specifically. I
18 don't want to misspeak.

19 MEMBER ALBERTI: Because I
20 understand you don't do day-to-day.

21 MR. THOMAS: Yes, exactly. Thank
22 you.

1 MEMBER ALBERTI: I assume that
2 it's the same one you already have, in terms
3 of how many people you hire for reimbursable
4 detail --

5 MR. THOMAS: Right.

6 MEMBER ALBERTI: -- would you know
7 that or --

8 MR. THOMAS: No, I wouldn't know
9 that specifically.

10 MEMBER ALBERTI: Okay.

11 MR. THOMAS: I can guess for you,
12 but you don't --

13 MEMBER ALBERTI: That's all right.

14 MR. THOMAS: All right.

15 MEMBER ALBERTI: I won't waste
16 time.

17 MR. THOMAS: All right, thank you.

18 MEMBER ALBERTI: So Mr. Morse is
19 the manager who comes with experience, what is
20 his experience?

21 MR. THOMAS: His experience, he
22 used to work with Marc Barnes until I believe

1 three years ago. So he's been with Marc since
2 Republic Gardens, to Love, Dream, and now us.

3 MEMBER ALBERTI: You said all of
4 your staff was brand new?

5 MR. THOMAS: Yes.

6 MEMBER ALBERTI: Okay. All of the
7 security staff, all of the bartenders, let me
8 think --

9 MR. THOMAS: Cleaned house.

10 MEMBER ALBERTI: Okay. I don't
11 have any further questions right now.

12 CHAIRPERSON MILLER: Mr. Jones?

13 MEMBER JONES: Thank you, Madam
14 Chair. In terms of, again, I mean, you know,
15 I know you're not the day-to-day, so if you
16 don't know that's fine.

17 MR. THOMAS: Right. Okay.

18 MEMBER JONES: But in terms of the
19 top level of management push down to the
20 general staff what has been the message in
21 terms of the training, specifically for
22 security, as to how they're to go about the

1 day-to-day and how was that different from
2 what you knew to be in place before?

3 MR. THOMAS: Well first and
4 foremost I think that we just follow the
5 guidelines. Again, we hired Mr. Jackson, who
6 runs a consulting business and, again, he's
7 reiterated and stressed to us the importance
8 of the guidelines and having the training for
9 the, specifically the security staff, and
10 making sure that all of the individuals that
11 we hire follow the protocol and also we do
12 extensive background checks as well.

13 MEMBER JONES: Okay. To change
14 from what was you kind of have to, it helps to
15 know what was?

16 MR. THOMAS: I can't speak on what
17 was.

18 MEMBER JONES: Got it, okay.

19 MR. THOMAS: All right.

20 MEMBER JONES: You just know you
21 have a clear baseline of what right is and
22 you're moving forward with that baseline and

1 that's what you try to instill in your staff?

2 MR. THOMAS: One hundred percent.

3 MEMBER JONES: Okay. What is the
4 process for training this new staff to get
5 them up to speed on what is appropriate for a
6 day-to-day, in terms of how to handle patrons,
7 how to make sure the patrons are secure, how
8 to contact police, when to contact police,
9 what is the mechanism by which you get a
10 uniform consistent training for all these new
11 staff and new employees that you have in
12 house?

13 MR. THOMAS: Got you. I'll let
14 Mr. Morse and Mr. Johnson attest to that
15 question.

16 MEMBER JONES: Okay. Thank you
17 very much.

18 MR. THOMAS: Thank you.

19 MEMBER JONES: Thank you, Madam
20 Chair.

21 CHAIRPERSON MILLER: Okay. Other?
22 All right, I have one question, and so I have

1 this idea in my head, maybe from a previous
2 fact finding hearing or whatever about the
3 management.

4 MR. THOMAS: Okay.

5 CHAIRPERSON MILLER: Was there a
6 new manager that began before the transfer of
7 ownership, or no, or did this all come about
8 after the transfer?

9 MR. THOMAS: So you're saying was
10 there overlap in the last, with a manager from
11 the last ownership to this one?

12 CHAIRPERSON MILLER: I'm under the
13 impression that, you know, you said at one
14 point, I think November of 2013 he defaulted,
15 they defaulted on their note and I thought,
16 you know, there was a period, a time, before
17 there was a transfer of ownership and I'm
18 under the impression, but you, but that's what
19 I'm asking because I may have the wrong
20 impression --

21 MR. THOMAS: All right.

22 CHAIRPERSON MILLER: -- that new

1 management may have come in before the change
2 in ownership?

3 MR. THOMAS: New management on our
4 level or are you saying management from a
5 staff level?

6 CHAIRPERSON MILLER: I mean, maybe
7 Mr. Morse --

8 MR. THOMAS: You mean management
9 between Mr. Redding and Mr. Forney and us or
10 --

11 CHAIRPERSON MILLER: No, I mean
12 management at the Stadium to oversee in there.

13 MR. THOMAS: Oh, okay. Yes, we
14 retained some of the management over, I mean
15 as a transition process or whatever before we
16 totally cleaned house and, you know, we had an
17 extensive time that we interviewed and hired
18 new staff and I'd say that time period was
19 about 90 days from the November takeover time
20 till when we fully overhauled the staff.

21 CHAIRPERSON MILLER: Okay. Okay,
22 so you didn't keep --

1 MR. THOMAS: No, I didn't keep
2 anybody, no.

3 CHAIRPERSON MILLER: You didn't
4 keep any of them, so it is totally new staff?

5 MR. THOMAS: Yes, 100 percent.

6 CHAIRPERSON MILLER: Okay.

7 MR. THOMAS: Yes.

8 CHAIRPERSON MILLER: Thank you.
9 All right.

10 MEMBER JONES: Just one quick
11 follow up, I apologize.

12 CHAIRPERSON MILLER: Yes, Mr.
13 Jones?

14 MEMBER JONES: Back to the
15 previous statement where you were providing
16 feedback to the questions asked by your
17 counsel, you are, what's your role
18 specifically in the, was it RCX?

19 MR. THOMAS: Yes, RCX is the
20 ownership group, so I own the majority portion
21 of that group.

22 MEMBER JONES: You own a majority

1 portion of that group?

2 MR. THOMAS: Yes.

3 MEMBER JONES: And there are three
4 principals in this?

5 MR. THOMAS: Yes, there's three.

6 MEMBER JONES: Okay.

7 MR. THOMAS: Yes.

8 MEMBER JONES: You, one other, the
9 gentleman at the table, and one other silent
10 individual?

11 MR. THOMAS: Yes, exactly. Yes.

12 MEMBER JONES: Okay. Are you the
13 top dog?

14 MR. THOMAS: Yes.

15 MEMBER JONES: Okay. So the buck
16 stops with you, final decisions made with you,
17 you make the decision as to whether or not
18 your operation is going to operate at a loss
19 for whatever period of time for the purposes
20 of maintaining safety, peace, order, and
21 quiet?

22 MR. THOMAS: Yes.

1 MEMBER JONES: Yes, okay. Thank
2 you. Thank you, Madam Chair.

3 CHAIRPERSON MILLER: Okay. Sorry,
4 I have one more follow up on that. So you've
5 been operating at a loss because you have a
6 new clientele so you have less patrons coming,
7 do you foresee still being able to operate in
8 a more safe manner in the way you're operating
9 now and being able to increase your --

10 MR. THOMAS: Yes, I hope so. I
11 mean I foresee it being a better, I mean, you
12 know, the decision to shut us down that didn't
13 help as well, you know, that was most
14 significant in our operation, you know, that
15 month shut down, you know, almost destroyed
16 us.

17 So, you know, we've had to swallow
18 our lumps and get over that bit, but in
19 reference to running a clean establishment and
20 to do it the right way I don't feel like we
21 need to change our course of action whatsoever
22 going forward, you know, as long as we don't

1 have any hiccups and we don't piss you guys
2 off we should be fine.

3 CHAIRPERSON MILLER: Mr. Jones?
4 Thank you.

5 MEMBER JONES: Well along those
6 lines, just real quick. So you got this
7 Business Plan right here, it's really a high
8 level, it's just a PowerPoint presentation,
9 I'm sure there's some more substantive
10 material, feedback, calculations, that went in
11 to this.

12 MR. THOMAS: Yes.

13 MEMBER JONES: Top level though,
14 you as the top dog, you as the businessman,
15 what's your projected breakeven time period,
16 5-year plan, 10-year plan, 2-year plan?

17 And I ask that, I'll tell you why
18 I'm asking --

19 MR. THOMAS: Okay.

20 MEMBER JONES: Just so when stuff
21 starts getting bad and you're going to change
22 the nature of it because we, oh, the dress

1 code, oh, well, it kind of, we can do hats
2 now, you know, that's what I'm more worried
3 about. So is it a 5-year plan, what are we
4 looking at?

5 MR. THOMAS: Right. I'd get out
6 of the business before that. As you can see
7 I, you know, I'm focused on doing things the
8 right way and I want to run an establishment
9 that I'd come to, you know.

10 So, again, I don't think, my
11 experience in the way that I'm running the
12 situation, again, is giving, you know, an
13 establishment that I'd like to spend time in
14 and, again, is safe.

15 MEMBER JONES: Got it.

16 MR. THOMAS: And I think it's not
17 worth running if I can't do it.

18 MEMBER JONES: Okay, fair enough.
19 Thank you. Thank you, Madam Chair.

20 CHAIRPERSON MILLER: Mr. Short?

21 MR. SHORT: Yes. Again, your
22 testimony just now, just for the record --

1 MR. THOMAS: Right.

2 MR. SHORT: -- would you say that
3 the business being closed down was self
4 inflicted?

5 MR. THOMAS: Oh, for sure, 100
6 percent. You guys did what you had to do.
7 You had to follow a protocol. Unfortunately
8 there was a precedent set and we had to bear
9 the brunt of that, you know.

10 Luckily enough we were able to
11 withstand the blow and before to continue to
12 operate the way that we had been.

13 MR. SHORT: We were glad to see
14 that.

15 MR. THOMAS: Yes, I appreciate
16 that.

17 MR. SHORT: Yes. Thank you, Madam
18 Chair.

19 CHAIRPERSON MILLER: Okay. Any
20 other Board questions? Questions on Board
21 questions? Licensee, yes?

22 MR. HAFFNER: Yes. If I could

1 just clarify some things for the Board. I
2 want to help the Board understand the timeline
3 in which the management and ownership change
4 took place.

5 So when did you sign the asset
6 purchase agreement to acquire Stadium Club and
7 the underlying property?

8 MEMBER SILVERSTEIN: Mr. Haffner,
9 could you move that mike closer to you so I
10 can --

11 MR. THOMAS: So you asked when did
12 I sign the asset purchase agreement to acquire
13 the Stadium Club, LLC, correct?

14 MR. HAFFNER: Right. More
15 specifically when did you and Mr. Vassos sign?

16 MR. THOMAS: We signed it November
17 of 2013.

18 MR. HAFFNER: Okay. And upon the
19 execution of that document you were not the
20 owner of Stadium at that time is that true?

21 MR. THOMAS: No, we were not the
22 owners. We were just, it was a management

1 agreement until the liquor license was
2 transferred.

3 MR. HAFFNER: All right. So just
4 to be clear there was a contingency on the
5 purchase and that contingency was the liquor
6 license passing or transferring to you or RCX?

7 MR. THOMAS: Yes.

8 MR. HAFFNER: Okay. And that
9 liquor license has since been, the transfer
10 has since been approved, correct?

11 MR. THOMAS: Yes, the transfer has
12 been approved.

13 MR. HAFFNER: All right. I want
14 to ask you a question with respect to
15 delegation of duty. Just to be clear, the
16 majority, put it like this, how much on a
17 scale of 1 to 100 percent of the day-to-day
18 management rests with you?

19 MR. THOMAS: Twenty percent.

20 MR. HAFFNER: All right. So is it
21 fair to say that the majority of decisions
22 that happen on a day-to-day basis aren't going

1 through you, going to somebody else?

2 MR. THOMAS: No.

3 MR. HAFFNER: And who would that
4 person be?

5 MR. THOMAS: Mr. Johnson and Mr.
6 Morse.

7 MR. HAFFNER: Okay. So even
8 though you are the majority ownership interest
9 in the club you've delegated the authority to
10 make day-to-day decisions to Mr. Johnson?

11 MR. THOMAS: Yes.

12 MR. HAFFNER: Okay. Now one more
13 question with respect to profitability. Just
14 to be clear, while you're not making the
15 revenue that you were prior, is it fair to say
16 that you are still --

17 MR. THOMAS: Prior to?

18 MR. HAFFNER: Prior to the
19 management takeover.

20 MR. THOMAS: Okay.

21 MR. HAFFNER: Is it fair to say
22 that the club is still profitable, meaning

1 that it's bringing in more than it's losing on
2 the whole?

3 MR. THOMAS: No.

4 MR. HAFFNER: So it's not
5 profitable?

6 MR. THOMAS: No, it's not.

7 MR. HAFFNER: Okay. No further
8 questions.

9 CHAIRPERSON MILLER: Okay. Ms.
10 Butler, do you have questions based on Board
11 questions?

12 MS. BUTLER: Okay. You stated
13 that you, that your operating at a loss right
14 now, is that correct?

15 MR. THOMAS: Correct.

16 MS. BUTLER: Does that mean you
17 plan to continue to maintain the peace, order,
18 and quiet? Does that mean you plan to operate
19 at a loss to maintain the peace, order, and
20 quiet?

21 MR. THOMAS: Yes.

22 MS. BUTLER: You also stated that

1 yourself as well as Mr. Johnson, they are
2 owners, you guys are owners of RCX?

3 MR. THOMAS: He's a principal,
4 yes.

5 MS. BUTLER: A principal?

6 MR. THOMAS: Yes.

7 MS. BUTLER: Okay. Are you aware
8 that on August 6, 2014, during a fact finding
9 hearing Mr. Johnson stated that he was just a
10 financial manager?

11 MR. THOMAS: No.

12 MS. BUTLER: You're not aware of
13 that?

14 MR. THOMAS: No.

15 MS. BUTLER: Did you attend the
16 hearing?

17 MR. THOMAS: No.

18 MS. BUTLER: Did Mr. Johnson
19 attend the hearing on August 6th are you
20 aware?

21 MR. THOMAS: I'm not aware.

22 MS. BUTLER: Okay. No further

1 questions.

2 CHAIRPERSON MILLER: Okay. Thank
3 you very much.

4 MR. THOMAS: Thank you.

5 MR. HAFFNER: At this time the
6 Applicant would like to call Nathaniel
7 Johnson.

8 CHAIRPERSON MILLER: Okay.

9 MR. HAFFNER: And, Madam Chair,
10 how are we doing on time?

11 CHAIRPERSON MILLER: I don't know.
12 Mr. Jones, are you keeping track of the time?

13 MEMBER JONES: I'm keeping track?
14 I guess I messed up then.

15 CHAIRPERSON MILLER: Uh-oh. Are
16 you keeping track?

17 MEMBER JONES: We had a
18 miscommunication up here. Why don't you go
19 ahead and continue and I can calculate where
20 we are.

21 MR. HAFFNER: All right, thank
22 you. Have a seat.

1 CHAIRPERSON MILLER: Okay. Do you
2 swear to tell the truth, the whole truth, and
3 nothing but the truth?

4 MR. JOHNSON: I do.

5 CHAIRPERSON MILLER: Okay, thank
6 you.

7 MR. HAFFNER: Okay. Can you state
8 your name for the record please and spell it?

9 MR. JOHNSON: Nathaniel Johnson,
10 N-A-T-H-A-N-I-E-L, Johnson, J-O-H-N-S-O-N.

11 MR. HAFFNER: And, Mr. Johnson,
12 what is role with respect to RCX, LLC?

13 MR. JOHNSON: I'm a principal of
14 RCX, LLC.

15 MR. HAFFNER: Okay.

16 MR. JOHNSON: I work directly with
17 Mr. Thomas to oversee strategy and operations,
18 I liaise from the highest level down to the
19 day-to-day operations.

20 MR. HAFFNER: Can you give the
21 Board a sense of your background
22 professionally? What qualifies you to kind of

1 plan the day-to-day responsibilities of the
2 club?

3 MR. JOHNSON: My background is in
4 financial services and I've worked in making
5 investments in other companies and running
6 operations and turning those investments
7 around previously.

8 MR. HAFFNER: And educationally,
9 what's your terminal degree, what's the
10 highest degree you've obtained?

11 MR. JOHNSON: MBA in finance from
12 Wharton Business School.

13 MR. HAFFNER: Okay. Mr. Johnson,
14 what is, or have you had the opportunity to
15 interact with the community immediately
16 surrounding the club?

17 MR. JOHNSON: Yes.

18 MR. HAFFNER: And what, can you
19 describe for the Board what that interaction
20 has been?

21 MR. JOHNSON: I've met with Ms.
22 Butler on a number of occasions. Beginning in

1 April we've had three meetings, one in April
2 with both --

3 MR. HAFFNER: April?

4 MR. JOHNSON: I believe it was
5 April, I don't recall the specific --

6 MR. HAFFNER: No, what year?

7 MR. JOHNSON: April of 2014, with
8 myself and members of the management team,
9 including Mr. Morse. The second meeting was
10 with myself and Mr. Haffner in July and the
11 most recent meeting was in September.

12 Subsequent to that, myself, Mr.
13 Morse, and Mr. Haffner attended a community
14 meeting at the 5th District several weeks ago.

15 MR. HAFFNER: Okay. And would you
16 say that the, well have you had the
17 opportunity to review the protest application
18 that's subject, that this hearing is subject
19 to?

20 MR. JOHNSON: Yes.

21 MR. HAFFNER: And would you say
22 the concerns highlighted in that protest

1 application are consistent with what you've
2 heard in your several meetings with the
3 community?

4 MR. JOHNSON: Yes. I would say
5 that they're consistent with what the
6 community has voiced. They are all concerns
7 that we've heard and taken very seriously and
8 have taken steps to address and improve on in
9 a meaningful way.

10 MR. HAFFNER: Okay, let's be a
11 little bit more specific. Now with respect to
12 the security concerns, as you understand them
13 what are the community's security concerns?

14 MR. JOHNSON: The security
15 concerns in the community rest on peace,
16 order, and quiet, so function of a few things.
17 One, vehicle and pedestrian traffic in the
18 communities, not just immediately in the
19 Queens Chapel Road area, but in the
20 surrounding areas, over the bridge and, you
21 know, down Bladensburg. That's one.

22 And two, the type of clientele

1 that generally will inhabit the different
2 nightclubs in the area. So folks who are
3 entertained at both the Stadium Club and
4 Echostage and creating a transient atmosphere
5 in the greater Queens Chapel Road area.

6 MR. HAFFNER: Okay. Now let's
7 talk about the security that you currently
8 employ at the club. Can you tell us how many?

9 MR. JOHNSON: As Mr. Thomas stated
10 it varies based on the expected turnout. I do
11 have knowledge of the specific number of
12 security that we deploy on a day-to-day basis.

13 On a night where we will have say
14 27 patrons, which is a slower night, we'll
15 have four security staff. On our busiest
16 nights, which are Friday and Saturday, we'll
17 have up to 20 security staff.

18 Traditionally, industry standard
19 is one security staff per 50 patrons, so we
20 far exceed that beyond that. Should I speak
21 to the reimbursable detail now?

22 MR. HAFFNER: Sure.

1 MR. JOHNSON: So speaking to the
2 reimbursable detail, as part of our security
3 plan and ongoing effort to create a safe
4 atmosphere and environment we deploy regularly
5 four reimbursable detail on Friday and
6 Saturday and for special events, such as this
7 past Howard homecoming we deployed eight to
8 patrol areas that we determine when they come
9 and when they check in with the ABC approved
10 manager.

11 MR. HAFFNER: Okay. Let's talk
12 about the hiring process. Can you kind of
13 walk the Board through the hiring process for
14 security personnel at the club?

15 MR. JOHNSON: So as Mr. Thomas has
16 stated we've placed a high priority on our
17 security staff and totally revamped that
18 operation.

19 Mr. Morse has an extensive
20 background in security and in nightlife
21 establishments and he's the main conduit who
22 facilitates the hiring.

1 One, through reference, reference
2 of personal folks that he's worked with or had
3 knowledge of through numerous years. Two,
4 through background checks and security
5 training facilitated, you know, by ABC
6 Consultants.

7 And lastly, you know, looking for
8 staff who takes a more cerebral approach to
9 diffusing conflict through, you know, conflict
10 resolution and verbal judo and things of that
11 sort.

12 MR. HAFFNER: Okay. Permission to
13 approach?

14 CHAIRPERSON MILLER: Sure.

15 MR. HAFFNER: I'm going to show
16 you what's been marked as Applicant's Exhibit
17 Number 2. Can you identify that for the
18 Board?

19 MS. BUTLER: I'm sorry, I'm not
20 sure --

21 CHAIRPERSON MILLER: Yes, you need
22 to show Ms. Butler.

1 MR. HAFFNER: Sorry, my apologies.

2 CHAIRPERSON MILLER: Is that one
3 of the Exhibits that you've served ahead of
4 time?

5 MR. HAFFNER: Yes, it is.

6 CHAIRPERSON MILLER: Okay. So Ms.
7 Butler you've seen this ahead of time.

8 PARTICIPANT: Thank you.

9 MR. HAFFNER: Can you identify
10 that for the Board, please?

11 MR. JOHNSON: This is the RCX
12 Security Plan.

13 MR. HAFFNER: Now is it a
14 condition of employment for security personnel
15 to review and/or acknowledge receipt of this
16 particular security plan before being
17 employed?

18 MR. JOHNSON: Prior to commencing
19 work at our establishment security staff is
20 required to review and sign off on that
21 document.

22 MR. HAFFNER: So in addition to

1 the vetting, the background checks, the
2 references, and this training, they also have
3 to sign off on this Security Plan?

4 MR. JOHNSON: That is correct.

5 MR. HAFFNER: Barring any
6 objection I'd like to admit what's been marked
7 as Applicant's Exhibit 2 into evidence.

8 CHAIRPERSON MILLER: Any
9 objection?

10 MS. BUTLER: No.

11 CHAIRPERSON MILLER: Okay. Not
12 hearing any, Applicant's Exhibit 2, which is
13 the Licensee's Security Plan is admitted.

14 (Whereupon, the above-referenced
15 to document was received into evidence as
16 Applicant Exhibit No. 2.)

17 MR. HAFFNER: Okay, let's talk
18 about the reimbursable security detail. As
19 far as you know what are their duties?

20 MR. JOHNSON: So I would, their
21 duties specifically are to facilitate peace,
22 order, and quiet in the surrounding area and

1 I would like to speak in detail about how
2 that's facilitated from our end.

3 MR. HAFFNER: Please do.

4 MR. JOHNSON: So when the
5 reimbursable detail arrives at the venue the
6 only time that they spend on the inside of the
7 venue is to check in with an ABC approved
8 manager.

9 They're not policing the inside of
10 the venue, that's not their purpose, and upon
11 checking in with an ABC approved manager they
12 will then proceed to facilitate the peace,
13 order, and quiet in areas surrounding the
14 venue, particularly at the gate along Queens
15 Chapel Road near the entrance way and along
16 that Queens Chapel to Bladensburg corridor.

17 I would like to acknowledge the
18 feedback that the community offered in our
19 most recent meeting in expanding our detail
20 for Howard homecoming in which we doubled and
21 hired eight security detail.

22 We designated them at the gate

1 entrance way on Queens Chapel Road. We
2 designated them on Bladensburg down to V
3 Street.

4 We designated them over the bridge
5 to patrol the surrounding community and
6 lastly, at the intersection of Queens Chapel
7 and Bladensburg where there's often backed up
8 traffic.

9 MR. HAFFNER: Okay, let's talk a
10 bit about the noise. Hearing that the noise
11 was a concern of the community how has the new
12 management addressed this concern?

13 MR. JOHNSON: The first thing we
14 did in getting a grasp for the community
15 issues is facilitate dialogue with Ms. Butler
16 and she vehemently opposed any outdoor events
17 or any noise, anything that would create
18 audible noise that would disturb the
19 community.

20 MR. HAFFNER: And since the
21 management takeover, which happened roughly I
22 believe November 2013, have there been any

1 more outdoor activities at the club?

2 MR. JOHNSON: There have been no
3 outdoor activities. The only thing that we do
4 have is a smoking patio in which there is no
5 audible noise that can be heard in the
6 community, it's a silent area.

7 MR. HAFFNER: And so that kind of
8 anticipates my next question.

9 MR. JOHNSON: Yes.

10 MR. HAFFNER: To your knowledge
11 have there been any complaints about that
12 outdoor space being noisy or a nuisance to the
13 community?

14 MR. JOHNSON: There have been no
15 complaints. The only complaint was that,
16 which Mr. Ghenene investigated, Ghenene
17 referenced earlier which did result in an ABRA
18 infraction.

19 MR. HAFFNER: Okay. Now do you
20 have any procedures at closing time with
21 respect to your patrons that you would employ?

22 MR. JOHNSON: So at the cessation

1 of our night we, there a few things that we do
2 to facilitate orderly egress out of the
3 establishment.

4 One, we turn the lights on before,
5 prior to when it's required. Two, we change
6 the music, and, lastly, upon exiting the
7 establishment, I guess facilitate in that
8 egress we have an announcement that encourages
9 our patrons to make a quiet and orderly exit
10 and to be respectful of the neighbors.

11 MR. HAFFNER: And where did you
12 first hear that idea or that suggestion with
13 respect to the noise?

14 MR. JOHNSON: Well that was a
15 suggestion of Ms. Butler on behalf of the
16 community.

17 MR. HAFFNER: All right. Let's
18 talk about the parking situation. Can you
19 describe, it's been described in detail, but
20 I'd like to hear from you about the parking
21 situation at the club? What are the parking
22 options that the patrons have?

1 MR. JOHNSON: So there are several
2 parking options in the area. One, the lot
3 adjacent, immediately adjacent to Stadium
4 Club.

5 There are approximately 50 spaces.
6 We stack cars and are able to fit, you know,
7 close to 60 in that immediate space. There's
8 the lot across the street, AM Briggs, which is
9 the large white building, which there are 15
10 to 20 spaces.

11 In addition to those lots there
12 are numerous other lots in the area that
13 include the garage directly across the street,
14 across the street from Echostage which houses
15 50 plus cars, the firefighters lot along
16 Bladensburg which houses 50 to 60 cars, as
17 well as other options in the area.

18 With that said we acknowledge that
19 when multiple venues are open parking is,
20 there is congestion and there are issues with
21 parking, it's something that we're working to
22 continue to improve on and address in an

1 orderly fashion.

2 MR. HAFFNER: Okay. Can you, to
3 the extent there are any ongoing negotiations
4 with respect to expanding parking options, can
5 you, are there, first of all?

6 MR. JOHNSON: Yes. There are
7 constant negotiations with available plots of
8 land and business owners to facilitate valet
9 parking services to better meet the needs of
10 the area and the traffic and parking concerns.

11 MR. HAFFNER: Now you mentioned
12 that there is a lot immediately adjacent to
13 the club.

14 MR. JOHNSON: Yes.

15 MR. HAFFNER: Do you charge a fee
16 for your patrons to park in that parking lot?

17 MR. JOHNSON: At times we charge
18 fees. More specifically, parking is free
19 from, say that we start from Sunday to
20 Thursday, on Fridays parking is free until
21 9:00 p.m., I believe, and we charge a fee
22 thereafter.

1 We've offered free parking as a
2 means of easing the, you know, easing the
3 burden on the community when it's proven that
4 we can charge for that service.

5 MR. HAFFNER: What steps are you
6 taking to mitigate the trash at the immediate
7 vicinity of the club?

8 MR. JOHNSON: To mitigate the
9 trash concerns in the immediate vicinity we've
10 addressed our cleaning crew, you know, as well
11 as the additional folks who maintain the
12 cleanliness of the area.

13 So, specifically, we've instructed
14 the folks who typically clean the interior of
15 the venue to expand their reach to clean up
16 the surrounding area, the exterior of the
17 building along Queens Chapel Road, and we also
18 utilize our staff of barbacks to facilitate
19 cleanup on nights when there is a lot of
20 traffic in the area.

21 MR. HAFFNER: How large is that
22 cleaning crew?

1 MR. JOHNSON: Typically, well our
2 interior cleaning crew that we've instructed
3 to clean outside and comes every single day,
4 seven days a week around 9:00 a.m. there are
5 three and our barback staff is eight.

6 MR. HAFFNER: So a total of eight?

7 MR. JOHNSON: Well, yes, three
8 plus eight, yes.

9 MR. HAFFNER: Oh, three plus
10 eight, eleven, okay. And can you just give us
11 a sense of the area in which they clean, using
12 the club as your point of reference?

13 MR. JOHNSON: So as the point of
14 reference they typically clean the area in
15 front of and the street area up to Echostage
16 on one side of Queens Chapel Road and down to
17 Bladensburg on the other side.

18 MR. HAFFNER: Okay. Next
19 question, does the club serve food?

20 MR. JOHNSON: Yes.

21 MR. HAFFNER: How extensive is the
22 club's menu?

1 MR. JOHNSON: Excuse me?

2 MR. HAFFNER: I said how extensive
3 is the club's menu. Can you give a sense of
4 what the club's food offerings are?

5 MR. JOHNSON: So the club offers a
6 menu akin to a steakhouse with appetizers,
7 entrees, desserts, special dishes.

8 MR. HAFFNER: And what hours of
9 service do you provide for food?

10 MR. JOHNSON: The food service
11 runs during hours of operation up until a half
12 hour prior to closing.

13 MR. HAFFNER: And if you can give
14 us a sense of the percentage of revenue food
15 sales represent.

16 MR. JOHNSON: Ten to 15 percent.

17 MR. HAFFNER: Okay, I have no
18 further questions.

19 CHAIRPERSON MILLER: Okay. And a
20 cross?

21 MS. BUTLER: Good evening, Mr.
22 Johnson. Did you attend the fact finding

1 hearing on August 6, 2014?

2 MR. JOHNSON: I don't, I've
3 attended one hearing, I don't recall the
4 specific date, I believe yes.

5 MS. BUTLER: Okay. And what
6 timeframe was that that you recall? Is there
7 a specific month?

8 MR. HAFFNER: I'm going to object,
9 it was asked and answered. He said he didn't
10 recall.

11 CHAIRPERSON MILLER: He did, yes.
12 Did you hear his answer?

13 MS. BUTLER: Is there a time --
14 Was it this year, this year --

15 MR. HAFFNER: I'm going to object.
16 He didn't --

17 CHAIRPERSON MILLER: I guess she
18 didn't hear his answer.

19 MS. BUTLER: I'm sorry?

20 CHAIRPERSON MILLER: Do you want
21 to repeat your answer to her question?

22 MR. JOHNSON: I've attended one --

1 MS. BUTLER: Right, he stated that
2 he attended one hearing and I'm asking is that
3 --

4 MR. HAFFNER: And then he further
5 stated he didn't recall when that hearing was.

6 CHAIRPERSON MILLER: Would you
7 repeat your answer?

8 MR. JOHNSON: I've attended one
9 hearing here. I do not recall the specific
10 date.

11 MS. BUTLER: Do you have a
12 timeframe versus a specific date?

13 MR. JOHNSON: It was in the past
14 six months.

15 MS. BUTLER: Okay. You stated
16 that you were an owner, correct?

17 MR. JOHNSON: I stated that I was
18 a principal of RCX.

19 MS. BUTLER: Okay.

20 MR. JOHNSON: So to define
21 principal, you know, from the, in the context
22 that I'm using it, a principal is an agent or

1 officer of the firm, which could the CFO or
2 COO or other executive level position as I'm
3 defining it.

4 MS. BUTLER: Okay. Do you have
5 ownership in Stadium?

6 MR. JOHNSON: No.

7 MS. BUTLER: Are you aware of any
8 pending lawsuits against Stadium?

9 MR. JOHNSON: I can't speak to
10 that.

11 MS. BUTLER: Out of the 50 spaces
12 that you stated Stadium has would any of those
13 be reserved?

14 MR. JOHNSON: Reserved for what
15 purposes?

16 MS. BUTLER: For maybe VIP or
17 employees or --

18 MR. JOHNSON: We do at times
19 reserve spaces, but typically on any given
20 night we will, you know, most importantly
21 prioritize the flow of traffic, you know,
22 before, I guess before reserving any spaces.

1 MS. BUTLER: Okay. I'd like to
2 present this, please. I would like to present
3 a picture of Stadium's parking lot with
4 reserved VIP parking spaces.

5 CHAIRPERSON MILLER: Is there an
6 objection?

7 MR. HAFFNER: No objection, Your
8 Honor.

9 MR. JOHNSON: Yes, those are VIP
10 parking spaces. I would like to speak to
11 that, however.

12 MS. BUTLER: I'm not finished with
13 the question yet.

14 CHAIRPERSON MILLER: I'm sorry,
15 what did you say?

16 MS. BUTLER: I said I hadn't
17 finished my question yet.

18 CHAIRPERSON MILLER: Okay. Yes,
19 go ahead.

20 MS. BUTLER: So you agree that
21 Stadium has designated, reserved parking
22 spaces?

1 MR. JOHNSON: The gesture of
2 having VIP in the parking spaces is a function
3 of creating a mirage for customers who spend
4 more money.

5 It's meant to have them feel
6 special and that's a place where spaces are
7 blockaded or prohibited from use for other
8 patrons.

9 MS. BUTLER: If a regular patron
10 decided to park in those spaces would that be
11 allowed?

12 MR. JOHNSON: Yes, that happens
13 all the time.

14 MS. BUTLER: So out of the 50
15 spaces we're reducing the number based on the
16 VIP spacing?

17 MR. HAFFNER: Objection. She's --

18 MS. BUTLER: How many -- I would
19 like to rephrase it, I'm sorry. I would like
20 to rephrase it.

21 CHAIRPERSON MILLER: Okay.

22 MS. BUTLER: How many VIP spaces

1 do you have on the lot?

2 MR. JOHNSON: I believe five, five
3 or six.

4 MS. BUTLER: So if you have five,
5 is it five or six?

6 MR. JOHNSON: I don't recall
7 specifically, it's either of those numbers.

8 MS. BUTLER: Let's just say six is
9 that okay?

10 MR. JOHNSON: Yes. Six is fine,
11 yes.

12 MR. HAFFNER: Objection, he
13 answered five or six.

14 MS. BUTLER: Five or --

15 CHAIRPERSON MILLER: It's true.
16 All right, you don't know, right?

17 MR. JOHNSON: Yes.

18 CHAIRPERSON MILLER: Five or six?

19 MR. JOHNSON: I don't, five or six
20 is --

21 CHAIRPERSON MILLER: That's your
22 memory?

1 MR. JOHNSON: Yes.

2 CHAIRPERSON MILLER: Okay.

3 MS. BUTLER: So would that reduce
4 the number from 50 to 44, 45?

5 MR. HAFFNER: Objection. I
6 believe she already asked that question and he
7 responded that those were --

8 MS. BUTLER: But I'm just asking,
9 he stated that there are five or six VIP --

10 MR. HAFFNER: If I can produce my
11 objection.

12 CHAIRPERSON MILLER: Wait a
13 second, one at a time. What?

14 MS. BUTLER: He stated that there
15 are five or six VIP parking spots, there are
16 50 spaces for patrons, so if there are 50
17 spaces for patrons, if he's reducing it for
18 VIP how many are allowed for regular patrons?

19 CHAIRPERSON MILLER: Okay, he can
20 answer that question.

21 MR. JOHNSON: So as I stated
22 previously the spaces and the word "VIP" on

1 them is designed to make certain customers
2 feel special while those spaces are utilized
3 as any other spaces.

4 Generally those are the spaces
5 that have the quickest opportunity to exit
6 because they are parked right along the
7 gateway and they're designated VIP but that's
8 a gesture to, you know, allow certain
9 customers to feel special, but they are
10 utilized for the full breadth of the customers
11 that we serve.

12 MS. BUTLER: How many employees do
13 you have on staff?

14 MR. JOHNSON: Forty to 50.

15 MS. BUTLER: Okay. And where do
16 they park?

17 MR. JOHNSON: Generally they'll
18 park in the, we'll facilitate their parking
19 into the AM Briggs lot or we'll contract with
20 another lot along Queens Chapel Road to empty
21 up our lot upon their arrival.

22 We do not have our employee cars

1 parked, you know, on the weekends when there
2 is a parking a limitation, we do not park our
3 employee cars on the lot.

4 MS. BUTLER: You stated that
5 employees can park on, can they park along
6 Queens Chapel Road?

7 MR. JOHNSON: I said that we
8 contract with a lot on Queens Chapel Road. We
9 generally, generally park employee cars in the
10 AM Briggs lot.

11 MS. BUTLER: And how many spaces
12 are on the other lots?

13 MR. JOHNSON: As I stated the
14 Stadium Club parking lot houses approximately
15 50 spaces and we'll stack to reach
16 approximately 60.

17 The AM Briggs lot houses up to 20
18 cars unstacked and there are a number of other
19 surrounding lots in the area as well.

20 MS. BUTLER: Do you charge patrons
21 to park?

22 MR. HAFFNER: I'm going to object.

1 We've asked that question, he's answered it.

2 MS. BUTLER: I don't recall that,
3 I'm sorry.

4 MR. HAFFNER: I asked on direct.

5 CHAIRPERSON MILLER: You asked
6 that question?

7 MR. HAFFNER: Exact question.

8 CHAIRPERSON MILLER: Well do you
9 know the answer quickly?

10 MR. JOHNSON: We do not charge to
11 park during the week --

12 CHAIRPERSON MILLER: Oh, yes, you
13 went through the hours, that's right.

14 MR. HAFFNER: Yes.

15 CHAIRPERSON MILLER: That was
16 asked and answered, yes.

17 MS. BUTLER: How much do you
18 charge to park?

19 MR. JOHNSON: When we do charge on
20 weekends after 9:00 p.m. we'll charge from \$20
21 to \$40.

22 MS. BUTLER: Can you state the

1 operating days and hours for Stadium
2 nightclub?

3 MR. JOHNSON: Yes. Monday through
4 Thursday we operate from 6:00 p.m. to 2:00
5 a.m. On Friday and Saturday we operate from,
6 excuse me, on Friday we operate from 6:00 p.m.
7 to 3:00 a.m. On Saturday we operate from 8:00
8 p.m. to 3:00 a.m. and on Sunday we operate
9 from 8:00 p.m. to 2:00 a.m.

10 MS. BUTLER: And how many
11 reimbursable details do you hire?

12 MR. HAFFNER: Objection. We had
13 asked, he answered.

14 CHAIRPERSON MILLER: That's true.
15 That was asked and answered.

16 MS. BUTLER: I don't remember the
17 answer, but --

18 MR. JOHNSON: We deploy -- I'm
19 sorry.

20 MS. BUTLER: Did you attend the
21 October 15, 2014, ANC 5C meeting?

22 MR. JOHNSON: Yes.

1 MS. BUTLER: Were you asked a
2 question in regards to the cleaning staff for
3 Stadium?

4 MR. JOHNSON: Yes, I was asked
5 numerous questions with regard to the cleaning
6 staff.

7 MS. BUTLER: Okay. At the meeting
8 who did you state was responsible for the
9 community, for the trash pickup?

10 MR. JOHNSON: I don't recall the
11 specific context or question.

12 MS. BUTLER: Your partner Mr.
13 Thomas testified that the barbacks are
14 responsible for cleaning the exterior,
15 correct?

16 MR. JOHNSON: Yes. They
17 facilitate additional cleaning when we have
18 trash or debris in the area in addition to our
19 cleaning crew of three which come seven days
20 a week in the morning.

21 MS. BUTLER: Thank you, no further
22 questions.

1 CHAIRPERSON MILLER: Okay. Board
2 questions? Okay, Mr. Alberti.

3 MEMBER ALBERTI: Mr. Johnson,
4 let's start with the basic security staff, you
5 said on a slow night the fewest security you
6 have is four security, is that correct?

7 MR. JOHNSON: That is correct.

8 MEMBER ALBERTI: Okay. Can you
9 tell me how they are stationed and what their
10 functions are?

11 MR. JOHNSON: Certainly. So we
12 have a person stationed at the exterior who
13 greets the customers, checks ID, wands them,
14 to facilitate, you know, or allow access into
15 the venue that they also assess the dress
16 code.

17 Subsequent to that we have a
18 gentleman who greets the patrons inside,
19 immediately inside of the door, you know,
20 welcome to Stadium Club, you know, would you
21 be interested in dining, et cetera, and
22 facilitates their access into the venue.

1 Upon entering the, you know, the
2 nightclub area there is a roaming security who
3 is, you know, I guess stationed is an
4 oxymoron, but flows with the, I guess where
5 the crowd is facilitating, where a crowd is
6 gathering.

7 And lastly there is a security
8 staff that's stationed proximal to the
9 entertainer on stage. The security staff also
10 communicate via radio so that if there are
11 certain security needs or there's, you know,
12 a number of patrons or anything, that they are
13 communicating and responsive.

14 MEMBER ALBERTI: Okay. I'm a
15 little confused. So all of your ID checking
16 is done outside?

17 MR. JOHNSON: That is correct,
18 yes.

19 MEMBER ALBERTI: Can you describe
20 that a little bit, where it's done?

21 MR. JOHNSON: So on the exterior
22 of the building there's, you know, there's two

1 tables set up with the wand and a person who
2 greet the customers, checks their ID,
3 searches them, and wands them prior to
4 admission.

5 Given the limited traffic that we
6 have on our weeknights it is, you know, it's
7 something that one person can do. I can speak
8 to the change in staffing when we get busier
9 if that would be helpful in addressing --

10 MEMBER ALBERTI: I'll get there in
11 a moment. So is this area covered? I'm just
12 a little curious, now you've got my curiosity.

13 MR. JOHNSON: Sure.

14 MEMBER ALBERTI: Quite honestly
15 this is curiosity, but is it covered? What do
16 you do in the cold weather?

17 MR. JOHNSON: There is an awning
18 above with heat lamps that are affixed to the
19 building.

20 MEMBER ALBERTI: Okay.

21 MR. JOHNSON: As well as like a,
22 one of those --

1 MEMBER ALBERTI: What do you do --
2 I got that part.

3 MR. JOHNSON: Yes.

4 MEMBER ALBERTI: I don't want to
5 waste time. So what do you do, how do you
6 ramp up when you have a bigger crowd?

7 MR. JOHNSON: Are you referencing
8 the exterior specifically?

9 MEMBER ALBERTI: All of it.

10 MR. JOHNSON: Okay. So we have,
11 as I mentioned before up to 20 security
12 personnel that are in the establishment.
13 Specifically on the outside we, you know, as
14 Investigator Ghenene testified, we have a
15 person to greet folks and check ID.

16 In the lot we have folks to greet
17 customers and assess their dress code. We
18 have two individuals specified to do that.
19 The layer beyond them is we have a male and a
20 female searcher who only search and beyond
21 that there's a gentleman who wands the
22 customers.

1 So there are several security
2 checkpoints to go through on the exterior as
3 well as additional security stationed at
4 various posts on the interior.

5 MEMBER ALBERTI: Okay, very good.
6 That's all I have right now. Thank you.

7 MR. JOHNSON: Thank you.

8 CHAIRPERSON MILLER: Okay. Other
9 Board questions? Mr. Short?

10 MR. SHORT: Yes, thank you again
11 for your testimony. I've heard testimony here
12 today that the occupancy is 400?

13 MR. JOHNSON: Yes.

14 MR. SHORT: Is that posted on a
15 sign inside of the --

16 MR. JOHNSON: Yes, that's posted
17 on a placard inside of the venue.

18 MR. SHORT: Okay. Well, I'm
19 looking at your Security Plan and on Page
20 Number 11 "Crowd Control and Overcrowding," it
21 says "Occupancy of Stadium Club is currently
22 69."

1 MR. JOHNSON: Yes, that --

2 MR. SHORT: So which one is
3 correct?

4 MR. JOHNSON: Four hundred is the
5 number that's posted on the placard.

6 MR. SHORT: That was approved by
7 the DCRA and the Fire Marshall's Office?

8 MR. JOHNSON: Yes, that is
9 correct. We don't approach that capacity, but
10 that 400 number is the correct number.

11 MR. SHORT: Okay. So we'll get
12 this corrected?

13 MR. JOHNSON: Yes, sir.

14 MR. SHORT: All right. Thank you,
15 Madam Chair, that's all I have.

16 CHAIRPERSON MILLER: Mr. Jones, do
17 you have a question?

18 MEMBER JONES: Yes. Thank you,
19 Madam Chair.

20 CHAIRPERSON MILLER: Okay.

21 MEMBER JONES: So let's back up
22 because I'm a little confused as to what your

1 role is exactly. So can you, and the reason
2 I'm asking, you seem to be answering a lot of
3 questions about the day-to-day operations of
4 the establishment, number of security staff,
5 where they're placed, position, parking.

6 That wouldn't be what I would
7 think would be your level of expertise based
8 on how you introduced yourself and what I
9 understood your role to be, but I'm clearly
10 wrong, so help me understand what your role is
11 in this operation.

12 MR. JOHNSON: So my role in the
13 operation is in, you know, ensuring the, I
14 guess the protection of our investment is to
15 liaise between the executive level and the
16 day-to-day operations.

17 Given some of the prior issues at
18 the venue I've made it my business to know and
19 to understand how the venue is operating,
20 where the security, where the different
21 pressure points are in terms of maintaining a
22 safe and orderly establishment.

1 Generally day-to-day, well
2 generally during the week I'll be at the
3 establishment three to five days. I travel as
4 well, but during my time, you know, in
5 Washington D.C. I make it my business to be
6 there, to understand what's going on, and to
7 ensure that, you know, that we're operating in
8 a way that's sustainable to your standards.

9 MEMBER JONES: Okay. So you're
10 more, do you have more knowledge in terms of
11 the financial aspects of the operation?

12 MR. JOHNSON: In part, yes.

13 MEMBER JONES: In part?

14 MR. JOHNSON: Yes.

15 MEMBER JONES: Who would have more
16 knowledge than you?

17 MR. JOHNSON: Well I would have
18 the most knowledge.

19 MEMBER JONES: You would have the
20 most knowledge?

21 MR. JOHNSON: Yes.

22 MEMBER JONES: Okay. All right,

1 you mentioned that you're a principal --

2 MR. JOHNSON: Yes.

3 MEMBER JONES: -- but you also
4 defined principal in terms of being an
5 officer. All right, what exactly are you in
6 terms of RCX? Are you the president, vice
7 president, what, I'm trying to figure out how
8 you are a principal?

9 MR. JOHNSON: So given the nature
10 of the operation I've partnered with Mr.
11 Thomas previously and we work hand-in-hand,
12 less specific to the title.

13 So he, you know, is, I guess if
14 you could categorize it he's more of the CEO
15 and I'm more of the CFO, COO, so, you know, he
16 is the person who has the final say.

17 I, however, engage him and discuss
18 the best outcome and solutions as we're
19 working to come up with a strategy and operate
20 the business.

21 MEMBER JONES: Okay. So would you
22 consider yourself to be an employee of RCX?

1 MR. JOHNSON: Yes.

2 MEMBER JONES: Are you a percent
3 owner?

4 MR. JOHNSON: No.

5 MEMBER JONES: Okay. So you have
6 no ownership interest in RCX?

7 MR. JOHNSON: That is correct.

8 MEMBER JONES: You have no
9 ownership interest in Stadium?

10 MR. JOHNSON: That is correct.

11 MEMBER JONES: Okay. So what is
12 your, what are you in terms of RCX? Do you
13 get a check, are you a contract staffer, are
14 you an employee?

15 I'm just trying to understand what
16 your, I don't understand what you are in terms
17 of RCX.

18 MR. JOHNSON: I do not get a
19 Stadium Group check.

20 MEMBER JONES: Do you get a share
21 of the profits?

22 MR. JOHNSON: No.

1 MEMBER JONES: How do you get
2 compensated for your work?

3 MR. JOHNSON: I'm compensated
4 independently.

5 MEMBER JONES: What does that
6 mean?

7 MR. JOHNSON: It means that we
8 have other business ventures of which I'm a
9 part from which I am compensated.

10 MEMBER JONES: Okay. So you
11 technically get no compensation for your work
12 related to Stadium?

13 MR. JOHNSON: I do not receive any
14 check from Stadium, that is correct.

15 MEMBER JONES: Okay. You
16 mentioned security staff and you mentioned
17 that you try to shoot for a ratio of roughly
18 50 to 1, that's the industry standard?

19 MR. JOHNSON: Well we try to
20 exceed that ratio.

21 MEMBER JONES: You try to exceed
22 that ratio?

1 MR. JOHNSON: Yes.

2 MEMBER JONES: Okay. So your
3 occupancy as you indicated was 400?

4 MR. JOHNSON: Yes.

5 MEMBER JONES: Okay. Do you
6 happen to know what that number would be for
7 a 50 to 1 ratio?

8 MR. JOHNSON: Eight.

9 MEMBER JONES: Do you typically
10 have eight security personnel on staff?

11 MR. JOHNSON: On our busy nights
12 in which the actual crowd is larger we have up
13 to 20 security staff. On slower nights where
14 we have between 25 and 75 people we have four
15 to six staff.

16 MEMBER JONES: Okay. Is that
17 noted somewhere in your Security Plan?

18 MR. JOHNSON: The minimum number
19 of security staff is noted I believe, not the
20 maximum number of the 1 to 50 ratio.

21 MEMBER JONES: Okay. So this is
22 the, what I'm looking at here in the Security

1 Plan should be taken as the minimum threshold?

2 MR. JOHNSON: Yes.

3 MEMBER JONES: Okay. And you
4 indicated that the -- Well who drafted this
5 Plan? Who actually wrote this Plan, do you
6 know?

7 MR. JOHNSON: I can't speak
8 factually to that, it would be speculative.

9 MEMBER JONES: Okay. Is there
10 anyone that you know of in your company that
11 would be able to speak to exactly who wrote
12 this Plan?

13 MR. JOHNSON: Yes.

14 MEMBER JONES: And who is that
15 person?

16 MR. JOHNSON: Mr. Morse.

17 MEMBER JONES: Mr. Morse, okay.

18 MR. JOHNSON: To be clear, my
19 understanding is that a number of folks with
20 a background in that contributed to creating
21 a document that was all encompassing and
22 addressed security, alcohol awareness, and

1 other safety aspects necessary to maintain an
2 ABRA compliant establishment.

3 MEMBER JONES: Okay. What steps
4 or measures to your knowledge have been taken
5 to address any noise issues?

6 MR. JOHNSON: So there are a few
7 things that we've done to address the noise
8 issues. So a few sources of noise from the
9 establishments, one, from the actual
10 establishment itself with audible music and,
11 two, from patrons and vehicles in the
12 surrounding area who are coming and going.

13 So to speak to the establishment
14 directly we received feedback from the
15 community that outdoor events and things like
16 that were intrusive and disrupted the peace,
17 order, and quiet, so we have not offered any
18 outdoor activities at Stadium Club under our
19 management.

20 There have been no concerts or
21 speakers or anything of that sort to disrupt
22 the peace, order, and quiet in the

1 neighborhood.

2 In addition to that we've tailored
3 an offering to a different clientele and make
4 public service announcements so that, you
5 know, so that we are advising our clientele
6 to, you know, exit the area in a way that's
7 respectful of the neighbors and the community.

8 MEMBER JONES: Okay. And those
9 are things that you've consciously implemented
10 specifically to try to address the concerns
11 that were raised by the community or concerns
12 that you were aware of?

13 MR. JOHNSON: Yes. Yes, that is
14 correct.

15 MEMBER JONES: Okay. And, lastly,
16 so you're the finance guy, correct?

17 MR. JOHNSON: Yes.

18 MEMBER JONES: All right. What is
19 your time horizon for profitability?

20 MR. JOHNSON: That's a good
21 question. Yes, I'd say that, you know, as we,
22 you know, continue to recover from the

1 cessation of our operation, we were getting
2 some great traction leading up to the shutdown
3 a prior month ago.

4 It will take several months to
5 return to those numbers, so I'd say three to
6 six months.

7 MEMBER JONES: Three to six
8 months?

9 MR. JOHNSON: Yes.

10 MEMBER JONES: Okay. So within
11 2015?

12 MR. JOHNSON: Sometime in 2015,
13 that's the goal.

14 MEMBER JONES: That's the goal?

15 MR. JOHNSON: Yes.

16 MEMBER JONES: And that's based on
17 your current operational construct, correct?

18 MR. JOHNSON: That is correct.

19 MEMBER JONES: Okay. How
20 important are special events to that return to
21 profitability?

22 MR. JOHNSON: Well in running a,

1 you know, I'm a very risk averse person, in
2 running a business you, you know, you look at
3 special events and one-off opportunities as
4 icing on the cake.

5 The goal is to run a fundamental
6 business on a day-to-day that is sound and
7 profitable and, you know, have that be the
8 baseline for your operation more so than one-
9 off opportunities to earn revenue.

10 MEMBER JONES: Understood. So
11 given what you just said you'd be able to
12 return a profitability in 2015 if you had no
13 special events going forward?

14 MR. JOHNSON: That's the goal,
15 yes.

16 MEMBER JONES: Okay, thank you.
17 Thank you, Madam Chair.

18 CHAIRPERSON MILLER: Mr.
19 Rodriguez?

20 MEMBER RODRIGUEZ: Yes, thank you,
21 Madam Chair. Mr. Johnson, are you then
22 overseeing the Security Plan?

1 MR. JOHNSON: I have not overseen
2 the Security Plan, I have knowledge of it and
3 have offered feedback and, you know --

4 MEMBER RODRIGUEZ: Okay. If you
5 can't answer this question let me know.

6 MR. JOHNSON: Sure.

7 MEMBER RODRIGUEZ: On Page 12 of
8 the Security Plan, which I've been looking at,
9 your Security Plan --

10 MR. JOHNSON: Sure.

11 MEMBER RODRIGUEZ: I have a
12 question on the ID checking techniques to
13 include but not limited to, the last item it
14 says "Use a blacklight to see if the," can you
15 explain that to me, I don't understand it?

16 It says "Use a blacklight to see
17 if the ID as locks, keys, or non-government
18 seal as a hologram," and then in parentheses,
19 "if so, it's fake." Can you explain that to
20 me? It seems like it's botched up here.

21 MR. JOHNSON: Well I didn't
22 generate that provision and Mr. Morse can

1 speak most thoughtfully to that. My
2 understanding would be that blacklight, fake
3 ID papers is white it would shine, it would be
4 very illuminous under a blacklight, but Mr.
5 Morse is the expert on that and the person who
6 facilitates --

7 MEMBER RODRIGUEZ: He'll be
8 testifying later?

9 MR. JOHNSON: Yes.

10 MEMBER RODRIGUEZ: Then I'll ask
11 him. And then my next question is on Page 12,
12 "The Stadium Club is a gentleman's club which
13 has nude dancers. At no time are patrons
14 allowed to touch the dancers."

15 MR. JOHNSON: Yes.

16 MEMBER RODRIGUEZ: My question is,
17 are the dancers allowed to touch the patrons?

18 MR. JOHNSON: Contact is not
19 permitted between dancers and patrons.

20 MEMBER RODRIGUEZ: I hope that can
21 be cleared up somewhat, it's confusing to me.

22 MR. JOHNSON: Okay, thank you.

1 MEMBER RODRIGUEZ: Thank you.

2 CHAIRPERSON MILLER: Is that it?
3 Okay, others? Okay. And I just have a couple
4 questions and if any of these are more
5 appropriate for Mr. Morse just let me know
6 right away, we don't have to waste time.

7 MR. JOHNSON: Sure.

8 CHAIRPERSON MILLER: Okay. Did I
9 hear you say that you hosted Howard
10 University's homecoming this year?

11 MR. JOHNSON: We didn't, so we
12 offered events that were tailored to folks in
13 town for the event. We were not affiliated
14 with Howard or we did not host events on
15 behalf of the University.

16 CHAIRPERSON MILLER: Okay.
17 Because I was wondering, if I'm not mistaken
18 I believe that there were issues with respect
19 to that event in the past and I was just
20 wondering if you did something different this
21 year because we didn't hear about any
22 problems.

1 MR. JOHNSON: Yes, we did do
2 things very differently this year. Number
3 one, there were no outdoor activities, no
4 tents, concerts, or music speakers that were
5 present in the past.

6 That was a conscious decision and
7 something that Ms. Butler implored it was
8 important to the surrounding neighborhood,
9 that's number one.

10 Number two, we doubled the
11 security order detail which was, you know,
12 which I spoke to earlier in terms of the
13 detailed assignments.

14 And, lastly, we upheld, you know,
15 our standards of dress and appearance and an
16 orderly environment for folks who were coming
17 to the establishment.

18 CHAIRPERSON MILLER: Was it one
19 day or more than one day?

20 MR. JOHNSON: Folks came in town
21 generally Wednesday or Thursday and we
22 welcomed them into our establishment.

1 Generally the, I guess the greater turnouts
2 were on Friday and Saturday nights, which are
3 our busier nights.

4 CHAIRPERSON MILLER: Okay. I want
5 to ask you about the silent area, you said you
6 have an outdoor patio for smoking?

7 MR. JOHNSON: Yes.

8 CHAIRPERSON MILLER: How is it
9 silent? How do you keep the sounds in if it's
10 an outdoor space?

11 MR. JOHNSON: There's no music and
12 no party atmosphere for patrons in that area.
13 It's for folks who wish to smoke cigarettes or
14 cigars.

15 CHAIRPERSON MILLER: Okay. And
16 you haven't had any complaints about noise?

17 MR. JOHNSON: No.

18 CHAIRPERSON MILLER: Okay. With
19 respect to parking do you work with other
20 establishments with respect to trying to find
21 a solution to make it better on the nights
22 that you are all operating the same time?

1 MR. JOHNSON: Yes. So when we
2 have upcoming events, we're aware of the
3 schedule of Echostage as well, so we'll
4 generally reach out to them and get an
5 estimate of what they anticipate their traffic
6 to be and from there we'll communicate with
7 the contracted valet companies in the area to
8 appropriately staff that Queens Chapel Road
9 and Bladensburg area.

10 CHAIRPERSON MILLER: Okay. And
11 I'm not sure if I misheard you, so did you say
12 there was an ABRA infraction that you had or
13 there wasn't?

14 MR. JOHNSON: No.

15 CHAIRPERSON MILLER: Okay.
16 Because the Investigator said there were none.

17 MR. JOHNSON: There were none.

18 CHAIRPERSON MILLER: Okay. All
19 right. I don't have any other questions.
20 Anybody else here? Questions on Board
21 questions?

22 MR. HAFFNER: I do, just based

1 directly --

2 CHAIRPERSON MILLER: Okay.

3 MR. HAFFNER: Now we heard
4 testimony about, or there was a question posed
5 about employee parking. Not every employee
6 that you have at the club drives is that
7 correct?

8 MR. JOHNSON: That is correct.

9 MR. HAFFNER: Since the management
10 takeover have there been, has the club reached
11 capacity?

12 MR. JOHNSON: I don't recall.

13 MR. HAFFNER: Okay. Now you
14 mentioned that you're on the road about, what,
15 four out of seven days.

16 MR. JOHNSON: Yes.

17 MR. HAFFNER: Are there provisions
18 in place to ensure that the club is managed
19 when you're gone, in your absence?

20 MR. JOHNSON: Yes. So at all
21 times we have an ABC manager on staff. It's
22 imperative to us and Mr. Morse has extensive

1 experience in managing these environments, so,
2 you know, we all communicate regularly and Mr.
3 Morse oversees the day-to-day operation.

4 MR. HAFFNER: Okay. Last
5 question, with respect to the Security Plan
6 that's already been admitted into evidence,
7 was that Plan drafted to be static or is it
8 your understanding that that's a living
9 document?

10 MR. JOHNSON: I can't answer that
11 question. I'd have to --

12 MR. HAFFNER: Let me rephrase it.
13 As the club's situation changes wouldn't that
14 document have to change at the same time?

15 MR. JOHNSON: Yes, agreed. You
16 know, we have to be a responsive business. As
17 business picks up and as things improve we'll
18 have to commensurately bolster our security
19 and, you know, it's important to be flexible
20 and understanding that.

21 MR. HAFFNER: No further
22 questions.

1 CHAIRPERSON MILLER: Okay. Ms.

2 Butler?

3 MS. BUTLER: You stated that there
4 is a no contact rule for Stadium, correct?

5 MR. JOHNSON: That is correct.

6 MS. BUTLER: Do you have private
7 rooms in Stadium?

8 MR. JOHNSON: Yes.

9 MS. BUTLER: Is contacted allowed
10 in the private rooms?

11 MR. JOHNSON: No. No contact is
12 allowed.

13 MS. BUTLER: You also stated that
14 there is an outdoor patio for smoking
15 purposes?

16 MR. JOHNSON: Yes.

17 MS. BUTLER: Okay. Where is the
18 outdoor patio located on the premises?

19 MR. JOHNSON: The outdoor patio is
20 located in the area that's furthest from
21 Queens Chapel Road. It's literally in the
22 middle of Queens Chapel Road and 24th Place at

1 the back of our parking lot. It's an enclosed
2 deck area.

3 MS. BUTLER: You also stated that
4 you work with the valets for additional
5 parking. Do you have a contract with the
6 valets?

7 MR. JOHNSON: We have a contract
8 with Tag-B.

9 MS. BUTLER: Do you have that
10 contract?

11 MR. JOHNSON: I do not have that
12 with me.

13 MS. BUTLER: You also stated that
14 there hasn't been any complaints regarding
15 Stadium. Are you aware that Councilmember
16 Kanyan McDuffie wrote a letter in opposition
17 to this particular license?

18 MR. JOHNSON: I don't recall
19 seeing that. There have been no complaints.
20 I said that there were no ABRA infractions and
21 I said that there was one noise complaint that
22 was not deemed to be an, did not qualify as an

1 ordinance.

2 MS. BUTLER: That's all I have.

3 CHAIRPERSON MILLER: Okay. Thank
4 you very much.

5 MR. JOHNSON: Thank you.

6 CHAIRPERSON MILLER: Do you have
7 one more witness?

8 MR. HAFFNER: One more witness.
9 And I'll endeavor to keep it brief because I
10 think a lot of his testimony is going to
11 duplicative.

12 CHAIRPERSON MILLER: Okay, good.

13 MR. HAFFNER: So I'm sensitive to
14 that. So I'd like to call Anthony Morse.

15 CHAIRPERSON MILLER: Good evening.
16 Do you swear to tell the truth, the whole
17 truth, and nothing but the truth?

18 MR. MORSE: Yes.

19 CHAIRPERSON MILLER: Thank you.

20 MR. HAFFNER: All right, Mr.
21 Morse, can you state your name for the record
22 and spell it, please?

1 MR. MORSE: Anthony Morse, A-N-T-
2 H-O-N-Y, M-O-R-S-E.

3 MR. HAFFNER: And, Mr. Morse, what
4 is your role with respect to the club?

5 MR. MORSE: Actually I do a lot of
6 hiring and management.

7 MR. HAFFNER: And do you have a
8 specific title?

9 MR. MORSE: General Manager.

10 MR. HAFFNER: Okay. And with
11 respect to security what do your duties
12 entail?

13 MR. MORSE: It entails alcohol
14 awareness, verbal judo, and conflict
15 resolution.

16 MR. HAFFNER: Do you oversee the
17 security staff at the club?

18 MR. MORSE: Yes.

19 MR. HAFFNER: Okay. Do you ensure
20 that the security staff is, do you check the
21 security staff references?

22 MR. MORSE: Yes.

1 MR. HAFFNER: So is it fair to say
2 that you play a role in the hiring of security
3 staff there?

4 MR. MORSE: Yes.

5 MR. HAFFNER: Is there anybody
6 that's currently employed as security at
7 Stadium that hasn't been hired by you, or at
8 least vetted by you?

9 MR. MORSE: No. No.

10 MR. HAFFNER: Now do you also play
11 a role or have anything to do with the hiring
12 of waitstaff?

13 MR. MORSE: Yes.

14 MR. HAFFNER: And the bartenders
15 as well?

16 MR. MORSE: Yes.

17 MR. HAFFNER: Okay. Do you
18 oversee their work?

19 MR. MORSE: Yes.

20 MR. HAFFNER: Okay. Did you
21 yourself go through the security training
22 that's already been testified about today?

1 MR. MORSE: Yes.

2 MR. HAFFNER: Okay. And you're
3 also -- Let me back up. So can you just give
4 the Board a sense of your experience,
5 particularly with respect to security in D.C.
6 and the D.C. area?

7 MR. MORSE: Yes. Actually I've
8 been working in the club industry for about 19
9 to 20 years and started off doing security and
10 just went along there, just managing the front
11 door from there and a general manager now.

12 MR. HAFFNER: Okay. Permission to
13 approach?

14 CHAIRPERSON MILLER: Go ahead.
15 Yes, thank you.

16 MR. HAFFNER: Mr. Morse, I'm going
17 to hand you this document that's been marked
18 Applicant's Exhibit 3. Can you explain to the
19 Board what that is.

20 MR. MORSE: Yes, these are the
21 certifications of the bartenders at Stadium
22 Nightclub.

1 CHAIRPERSON MILLER: I'm sorry, we
2 couldn't hear you.

3 MR. MORSE: The certifications for
4 the bartenders at Stadium Nightclub, I'm
5 sorry.

6 CHAIRPERSON MILLER: Okay, that's
7 good.

8 MR. HAFFNER: All right. Barring
9 any objection I'd like to admit what's been
10 marked at Applicant's Exhibit 3.

11 Mr. Morse, as a condition of
12 employment are bar --

13 CHAIRPERSON MILLER: Wait, I'm
14 sorry, I didn't admit it yet.

15 MR. HAFFNER: Oh, I'm sorry.

16 CHAIRPERSON MILLER: But I'm
17 looking to see if I have a copy of it,
18 otherwise could you show me it and --

19 MR. HAFFNER: I believe it was
20 referenced in our exhibit list, but the link
21 might not have been attached to the email that
22 I sent to Ms. Rhames (phonetic).

1 CHAIRPERSON MILLER: Right.

2 MR. HAFFNER: But in any event we
3 also presented this during the previous fact
4 finding --

5 CHAIRPERSON MILLER: I'm sure it's
6 not going to be a problem, there's no
7 objection, I just want to see what it is.

8 MR. HAFFNER: Got you. So I'll
9 reiterate my question, as a condition of
10 employment is it required that bartenders go
11 through that training?

12 MR. MORSE: Yes.

13 MR. HAFFNER: Okay. Now with
14 respect to security are they required to wear
15 a uniform? Are your security personnel
16 required to wear uniforms?

17 MR. MORSE: Yes, they are.

18 MR. HAFFNER: And how are they
19 identified? How do I know that they're
20 security guards?

21 MR. MORSE: Their uniform will be
22 shirts and ties, black suit, white shirt,

1 black tie.

2 MR. HAFFNER: Okay. Now to kind
3 of follow up on the question that's already
4 been posed to Mr. Johnson with respect to ID
5 check, can you give the Board a sense of how
6 IDs are checked, how that process goes?

7 MR. MORSE: Well, first, as far as
8 the lighting situation, to what you were
9 talking about, we do have a machine and that
10 dictates if the ID is going to be fake or not.

11 So with that we just swipe the ID
12 with the machine and it will come up if it's
13 real or if it come up if it's fake or has any
14 problems with the ID.

15 MR. HAFFNER: And to follow up on
16 what Investigator Ghenene mentioned, that
17 there's several stations or stations between
18 which patrons have to go to enter the club,
19 can you give the Board a sense of where
20 security is stationed and how patrons are
21 shepherded through that security system?

22 MR. MORSE: Well first they come

1 through the ID checker, definitely, and then
2 they'll go through getting searched from the
3 male searcher and the female searcher, and
4 then through a tent to the inside of the club
5 and then they'll enter the club, and then from
6 there we have security on all points of the
7 club, including a back door.

8 MR. HAFFNER: Now, Mr. Morse, do
9 you or does someone in the club maintain an
10 incident log?

11 MR. MORSE: Yes.

12 MR. HAFFNER: And can you briefly
13 explain what that incident log is?

14 MR. MORSE: The incident log every
15 day would have everything what happened every
16 night that we're open. If there is nothing it
17 would just come up "no incident," but if
18 there's an incident it will be a full report
19 into a incident log.

20 MR. HAFFNER: And since the
21 management takeover have there been any
22 incidences?

1 MR. MORSE: None.

2 MR. HAFFNER: I don't believe I
3 have any further questions for Mr. Morse.

4 CHAIRPERSON MILLER: Ms. Butler?

5 MS. BUTLER: Mr. Morse, do you
6 know if any of your staff has a criminal
7 record?

8 MR. MORSE: I know none of them
9 have a criminal record that I'm aware of.

10 MS. BUTLER: Are you a paid
11 employee of Stadium or RCX?

12 MR. MORSE: Stadium.

13 MS. BUTLER: Did the rapper Drake
14 make an appearance at Stadium this past
15 weekend?

16 MR. MORSE: Yes, he did.

17 MR. HAFFNER: Objection to
18 relevance.

19 MS. BUTLER: I'll rephrase it.
20 Did the rapper Drake make an appearance at
21 Stadium?

22 MR. MORSE: Yes.

1 MR. HAFFNER: Objection --

2 CHAIRPERSON MILLER: Does he have
3 an objection as to relevance, so could you
4 explain the relevance for that question?

5 MS. BUTLER: Well he just earlier
6 stated that they were changing the, that the
7 atmosphere and the environment of Stadium had
8 changed.

9 CHAIRPERSON MILLER: Yes.

10 MS. BUTLER: So I'm just asking if
11 there was a rapper by the name of Drake who
12 attended their establishment.

13 CHAIRPERSON MILLER: Okay. All
14 right, overruled.

15 MR. MORSE: Yes.

16 MS. BUTLER: Was there an issue
17 with Drake at Stadium?

18 MR. MORSE: Well there wasn't
19 really an issue. It was just his security was
20 trying to get him out of the venue, that was
21 pretty much it, and it was just a whole
22 misunderstanding.

1 MS. BUTLER: A misunderstanding
2 of?

3 MR. MORSE: Yes, because they
4 really wanted to get Drake away from the crowd
5 because there were girls grabbing him and
6 wanting to take pictures with him so they just
7 rushed him out of the door and they just feels
8 as though that everybody thought it was a big
9 thing.

10 MS. BUTLER: Well what was --

11 MR. MORSE: But there was no
12 incident, none whatsoever.

13 MS. BUTLER: So what was the
14 crowd, what was the number of patrons that
15 night?

16 MR. MORSE: I can't answer the
17 number of the patrons within that night.

18 MS. BUTLER: How many security
19 reimbursable detail did you have?

20 MR. MORSE: Security inside of
21 Stadium?

22 MS. BUTLER: How many MPD

1 reimbursable detail officers did you guys
2 hire?

3 MR. MORSE: I think it was eight
4 if I'm not mistaken.

5 MS. BUTLER: Eight?

6 MR. MORSE: I think it was eight.

7 MS. BUTLER: Mr. Johnson stated
8 that on busier nights that Stadium would hire
9 about eight officers.

10 MR. MORSE: Yes.

11 MS. BUTLER: Would you say that
12 that night with Drake it was a busy night?

13 MR. MORSE: That night with Drake,
14 I would say it was a regular night. Sometimes
15 some of the actors or athletes and things like
16 that they just happen to show up, so it was
17 basically a regular night.

18 MS. BUTLER: Was there any contact
19 between Drake and any of the security
20 officers?

21 MR. MORSE: None whatsoever.

22 MS. BUTLER: Are you aware of the

1 drive-by shooting that happened on September
2 20, 2014?

3 MR. MORSE: No.

4 MS. BUTLER: That's all that I
5 have at this point.

6 CHAIRPERSON MILLER: Okay. Board
7 questions? Mr. Rodriguez?

8 MEMBER RODRIGUEZ: Yes. Mr.
9 Morse, I guess maybe it's my inability to
10 understand, so I want to see if you could help
11 me out.

12 MR. MORSE: Yes.

13 MEMBER RODRIGUEZ: Again, if
14 somebody could turn to Page 12, Page 12 of
15 your Security Plan, and that last, up top, the
16 last sentence where it says "use a
17 blacklight," I can't understand how that
18 sentence runs.

19 Is it botched up or, can you read
20 it for me, somebody? Yeah, that's fine.
21 What's it --

22 MR. HAFFNER: So I understand the

1 confusion. I don't think it's the most well
2 drafted sentence, but I think the idea that's
3 being conveyed is that when you shine a
4 blacklight on a fake ID --

5 MEMBER ALBERTI: Wait a minute,
6 who's testifying?

7 CHAIRPERSON MILLER: Okay.

8 MEMBER ALBERTI: Who's testifying
9 here?

10 CHAIRPERSON MILLER: I thought you
11 were --

12 MEMBER ALBERTI: Who's testifying?

13 MR. HAFFNER: I believe he was
14 asking me the question directly.

15 CHAIRPERSON MILLER: I thought
16 you, sir, I thought you were going to read
17 what it said.

18 MEMBER ALBERTI: Yes, but you're
19 not on the stand.

20 CHAIRPERSON MILLER: I thought you
21 were going to read what it said, which
22 would've been appropriate, but it's okay.

1 MR. HAFFNER: Absolutely.

2 CHAIRPERSON MILLER: But I think
3 at this point Mr. Morse probably can answer
4 the question as the witness as to what that
5 means as it appears that it's not all that
6 well written, so --

7 MEMBER ALBERTI: He don't even
8 have it in front of him.

9 CHAIRPERSON MILLER: You don't
10 have it, okay.

11 MEMBER RODRIGUEZ: I'm not
12 questioning your grammar, I'm just trying to
13 understand what it says.

14 CHAIRPERSON MILLER: Do you have,
15 somebody have --

16 PARTICIPANT: Can you read it to
17 him? Will someone read it to him? He doesn't
18 know what you're referring to.

19 CHAIRPERSON MILLER: You can read
20 it, okay.

21 MEMBER RODRIGUEZ: It says "Use a
22 blacklight to see if the ID as locks, keys, or

1 a non-government seal as a hologram (if so,
2 it's fake)."

3 MR. MORSE: Wow. I can only say
4 as far as the blacklight there's actually a
5 red light and the red light is when you swipe
6 it and it comes up if it's fake or once you
7 swipe it it just takes all the information if
8 it's real, so it was probably just drafted
9 wrong.

10 MEMBER RODRIGUEZ: Okay, thank
11 you.

12 MR. MORSE: You're welcome.

13 CHAIRPERSON MILLER: Okay.

14 Others? Yes, Mr. Alberti?

15 MEMBER ALBERTI: Yes, okay, first
16 of all let's go back to that sentence. Would
17 it make sense if that sentence read use a
18 blacklight to see if the ID has, rather than
19 as, locks, keys, or non-government seal,
20 right?

21 MR. MORSE: Yes.

22 MEMBER ALBERTI: So you think

1 maybe "as" should've been has?

2 MR. MORSE: Yes.

3 MEMBER ALBERTI: All right, great.

4 MEMBER RODRIGUEZ: Thank you, Mr.
5 Alberti.

6 MEMBER ALBERTI: Since we're on
7 that subject and we opened the door, Mr.
8 Morse, tell me in detail what you do to check
9 an ID? What do you do?

10 I'm standing there in front of
11 you, I hand you my ID, go through all the
12 steps that you would do given that I'm a 21-
13 year-old person standing in front of you, what
14 would you do?

15 And I look young, I look like I'm
16 18, that never happened to me, but okay just
17 assume that that's the scenario, what would
18 you do? Give me all the steps that you as an
19 experienced security person would do?

20 MR. MORSE: Okay.

21 MEMBER ALBERTI: Well actually let
22 me step back, who trains the ID checkers?

1 MR. MORSE: I'm sorry?

2 MEMBER ALBERTI: Who trains the ID
3 checkers?

4 MR. MORSE: Well actually we'll
5 have Jeff Jackson come up and give a training
6 program to us.

7 MEMBER ALBERTI: Okay. Have you
8 been trained?

9 MR. MORSE: Yes.

10 MEMBER ALBERTI: Okay. Do you
11 oversee the ID checkers to make sure they're
12 doing their job?

13 MR. MORSE: Yes.

14 MEMBER ALBERTI: Okay. So you
15 have to be knowledgeable?

16 MR. MORSE: Pretty much, yes.

17 MEMBER ALBERTI: Okay, so let's go
18 back to my scenario. I look like I'm 18, I'm
19 probably 21, I hand you an ID, what, and I
20 want very detailed, what are all the steps
21 that you go through?

22 MR. MORSE: Okay. Well first of

1 all once you walking up I'm already actually
2 looking at you.

3 MEMBER ALBERTI: Okay.

4 MR. MORSE: Because if you walk up
5 and you're nervous then I know something is
6 wrong, so once you walk up and I'm looking and
7 you hand me the ID, there is a seal on certain
8 IDs and once I kind of rub it and, I'm getting
9 really detailed right now, so I'm thinking as
10 I'm actually talking --

11 MEMBER ALBERTI: Absolutely. I
12 want you to be as detailed as possible.

13 MR. MORSE: Okay. There's a seal
14 on there and it's a certain seal there that if
15 it's fake it kind of, it would, it has a seal
16 and the seal would, it would turn colors if
17 it's fake.

18 But there's a seal on there if
19 it's real that it's a certain color and also
20 some fakes are just, the dates and the year
21 and everything is just wrong, so some of them
22 are really good and some of them aren't good.

1 But there are certain seals on
2 there that you would definitely know if it's
3 a fake or not.

4 MEMBER ALBERTI: Every State have
5 the same seal?

6 MR. MORSE: No.

7 MEMBER ALBERTI: Give me more
8 detail about the seal?

9 MR. MORSE: How can I describe it?
10 I would say, I'm thinking of the old Virginia
11 IDs has a round certain seal and then there's
12 a seal from I would say New Jersey that's not
13 round, but New Jersey, every ID is just
14 different. New Jersey's ID seal is different
15 than the ones that would be from Virginia.

16 MEMBER ALBERTI: How can you tell
17 if it's fake?

18 MR. MORSE: I'm sorry?

19 MEMBER ALBERTI: How can you tell
20 if the seal is fake?

21 MR. MORSE: Well actually you can
22 kind of just look at it and tell if it's

1 actually --

2 MEMBER ALBERTI: So what are you
3 looking for?

4 MR. MORSE: I'm looking at the
5 date. I'm looking at the date --

6 MEMBER ALBERTI: No, no, no, the
7 seal, we're on the seal.

8 MR. MORSE: Okay.

9 MEMBER ALBERTI: You brought up
10 the seal, you're focusing on the seal, you're
11 telling me it's a different color, rub your
12 finger over it and something happens.

13 MR. MORSE: Okay. Yes.

14 MEMBER ALBERTI: This is your
15 testimony.

16 MR. MORSE: Yes.

17 MEMBER ALBERTI: I want the seal.

18 MR. MORSE: Okay.

19 MEMBER ALBERTI: Tell me what
20 features of the seal tell you it's fake?

21 MR. MORSE: Well there is a
22 certain seal that's, it's a round circle on

1 certain IDs that's a seal that would actually
2 turn colors of it.

3 And within that seal if I'm
4 looking at it in the light, and sometimes, the
5 majority of the times I tell my guys to have
6 a flashlight so they can really see it, so
7 they can really pay attention to that seal.

8 So if that seal is not right and
9 it's not the color of what we need then --

10 MEMBER ALBERTI: So what color do
11 you need?

12 MR. MORSE: Well it's more of a
13 maybe bluish-purple kind of seal. I can't
14 really describe it like that, but it's kind of
15 a bluish-purple kind of seal.

16 MEMBER ALBERTI: What's it look
17 like? I mean what do you see, just bluish-
18 purple?

19 MR. MORSE: Once you shine the
20 light on it you can actually see it better and
21 then once you shine a light on it, and a lot
22 of fake IDs actually is just, the picture of

1 it is totally wrong.

2 MEMBER ALBERTI: Okay. So what
3 else do you look for besides the seal?

4 MR. MORSE: The picture.

5 MEMBER ALBERTI: What about the
6 picture?

7 MR. MORSE: The picture sometimes
8 is not them. The picture sometimes is, once
9 it's fake it's slanted, I mean you can really
10 tell. You can really tell with the picture.

11 MEMBER ALBERTI: Okay. So what's
12 this about an ID checker? I mean your first
13 response was that's all I use is an ID
14 checker. What's with the ID checker?

15 MR. MORSE: Oh, yes, the ID
16 checker, that's a must because you have to be
17 21 and over to get into the establishment.

18 MEMBER ALBERTI: No, no, no, no,
19 no, no, you said you swipe it through some
20 machine?

21 MR. MORSE: Oh, the machine,
22 sometimes we'd use the machine. You swipe it

1 through the machine and then that way the
2 machine, once you swipe it through the machine
3 it'll give a, basically it'll give all your
4 information on the machine and then that way
5 it'll tell you if you're 21 or not.

6 MEMBER ALBERTI: So where's the
7 blacklight come in?

8 MR. MORSE: Well once you swipe
9 then there's a red light, I don't, it's not a
10 blacklight, it's a red light, actually. It's
11 a red light, once you swipe it there's a red
12 light on there, I'm sorry, sir.

13 MEMBER ALBERTI: Okay. Quite
14 honestly this is very unimpressive.

15 MR. MORSE: I'm sorry.

16 MEMBER ALBERTI: I'm going to be
17 really honest with you.

18 MR. MORSE: I'm sorry.

19 MEMBER ALBERTI: For someone in
20 the industry, you know, we deal with
21 investigators who have pretty much instructed
22 us on what to check for. I'm done. Thank

1 you. You guys should note this.

2 CHAIRPERSON MILLER: Okay.

3 MEMBER ALBERTI: Be careful.

4 CHAIRPERSON MILLER: Others? All
5 right, I have just one question because I
6 thought I heard different things between you
7 and Mr. Johnson with respect to when someone
8 comes, before they go through the door, is
9 there one person that's searching or two, are
10 there always two, a male and a female?

11 MR. MORSE: Well there's a male
12 searcher and then there's a guy who wands and
13 then there's a female searcher.

14 CHAIRPERSON MILLER: Okay, so you
15 have two searchers then?

16 MR. MORSE: Yes.

17 CHAIRPERSON MILLER: Okay, and one
18 wander?

19 MR. MORSE: Yes.

20 CHAIRPERSON MILLER: Okay. Okay,
21 that's it for me. All right, Mr. Jones?

22 MEMBER JONES: Thank you, Madam

1 Chair. So do you happen to know who wrote the
2 Security Plan, the RCX, LLC Security Plan for
3 Stadium Club D.C.?

4 MR. MORSE: I think Mr. Jeff
5 Jackson, I'm not sure.

6 MEMBER JONES: It looks very, very
7 familiar. It looks like one of Jeff Jackson's
8 templates that he typically puts together and
9 submits.

10 So that's what I'm trying to
11 understand how much you truly understand this
12 or is this just some prop that you're using
13 like to try --

14 MR. MORSE: Actually I, I mean he
15 asked me a few questions about it.

16 MEMBER JONES: Excuse me?

17 MR. MORSE: He asked me a few
18 questions about it, yes.

19 MEMBER JONES: He asked you a few
20 questions about it, but he actually pulled
21 this document together and provided it to you,
22 is that a fair statement?

1 MR. MORSE: It's fair.

2 MEMBER JONES: Okay. So this
3 whole reference to a blacklight, which is
4 something that you don't use, is that correct?

5 MR. MORSE: We had used it --
6 Well, correct. It's mainly a red light.

7 MEMBER JONES: Do you typically
8 use a blacklight in your day-to-day
9 operations?

10 MR. MORSE: Well it's a red light.

11 MEMBER JONES: Do you typically
12 use a blacklight in your day-to-day
13 operations?

14 MR. MORSE: No.

15 MEMBER JONES: No, okay. The ID
16 checker has a red light on it, correct?

17 MR. MORSE: Well, yes.

18 MEMBER JONES: Yes. So the
19 references in the Security Plan to a
20 blacklight and the fact that you use it for ID
21 checking is not a correct reference based on
22 your understanding of your day-to-day

1 operations, is that correct?

2 MR. MORSE: Correct.

3 MEMBER JONES: Okay. You
4 mentioned there's an incident log that is
5 maintained. Who is responsible for the
6 maintenance of said incident log?

7 MR. MORSE: Our head of security.

8 MEMBER JONES: Excuse me?

9 MR. MORSE: Our head of security.

10 MEMBER JONES: And who is the head
11 of security?

12 MR. MORSE: Eric.

13 MEMBER JONES: Who?

14 MR. MORSE: Eric.

15 MEMBER JONES: Eric?

16 MR. MORSE: Yes.

17 MEMBER JONES: Okay. I'm
18 confused. The Security Plan that you
19 submitted as your Exhibit 2 says "The general
20 manager and head of security, is a gentleman
21 by the name of Mr. Anthony Morse."

22 MR. MORSE: Okay, we actually,

1 well I'm the general manager and I hired him,
2 I got him to start to doing, we both do the
3 incident log.

4 MEMBER JONES: You both do the
5 incident log?

6 MR. MORSE: Yes.

7 MEMBER JONES: Okay, so it's --

8 MR. MORSE: Sometimes --

9 MEMBER JONES: -- the general
10 manager and the head of security is
11 responsible for maintaining the incident log?

12 MR. MORSE: Yes, because he'll
13 come to me and ask me certain questions about
14 the night and then I'll just go over things
15 with him time to time and then other than that
16 when we have no incidents and things like that
17 he just does it on his own.

18 MEMBER JONES: When there are no
19 incidents what happens again, I'm sorry?

20 MR. MORSE: He does it on his own.

21 MEMBER JONES: He does it on his
22 own?

1 MR. MORSE: Yes.

2 MEMBER JONES: Okay. What is
3 defined as an incident?

4 MR. MORSE: Well like if we have a
5 fight or a major argument and things like
6 that.

7 MEMBER JONES: A fight or a major
8 argument?

9 MR. MORSE: Major argument, just
10 any type of incident, any type of, if we put
11 someone out, just anything like that, just any
12 little detail.

13 MEMBER JONES: Okay. So if you
14 had a patron that was in your establishment
15 left and came back in in an aggressive manner
16 would that be an incident?

17 MR. MORSE: Well actually we're
18 not going to have a patron come in and then
19 leave and then come back out. Once they gone,
20 they gone for good.

21 MEMBER JONES: Okay, so there's no

22 --

1 MR. MORSE: They're not coming
2 back for --

3 MEMBER JONES: Under no
4 circumstances should a patron be coming back
5 into the establishment?

6 MR. MORSE: None. None.

7 MEMBER JONES: So if that occurred
8 --

9 MR. MORSE: Once we put them out,
10 none.

11 MEMBER JONES: Well what if they
12 leave on their own?

13 MR. MORSE: That's fine.

14 MEMBER JONES: They can come back
15 in?

16 MR. MORSE: Well once they leave
17 on their own then -- If they caused a problem
18 on the inside is what you're saying?

19 MEMBER JONES: No, no, no. Clean
20 slate.

21 MR. MORSE: Okay.

22 MEMBER JONES: I'm a patron in

1 your establishment, I've created no ruckus.

2 MR. MORSE: Okay.

3 MEMBER JONES: I walk out of your
4 front door.

5 PARTICIPANT: That's unusual.

6 MEMBER JONES: I return in an
7 aggressive fashion. Is that an incident?

8 MR. MORSE: Well if you return at
9 the front door in an aggressive fashion it's
10 not even going to get, you're not even going
11 to get on the inside for us to create an
12 incident.

13 MEMBER JONES: So I'm not going to
14 be able to get inside if I --

15 MR. MORSE: No, you're not.

16 MEMBER JONES: Not, okay.

17 MR. MORSE: No.

18 MEMBER JONES: So but if that did
19 happen would that be an incident?

20 MR. MORSE: No, it's not an
21 incident, it's just a communication thing
22 that, because the first thing we're going to

1 do is just actually talk to you and let you
2 know that you can't come into our
3 establishment, so it's not an incident, and
4 then from there you're just going to leave.

5 MEMBER JONES: Okay.

6 MR. MORSE: We're not going to put
7 you out, you're just going to walk out on your
8 own because you're not going to be able to get
9 in.

10 MEMBER JONES: And that applies to
11 everyone --

12 MR. MORSE: Everyone.

13 MEMBER JONES: -- so, Joe Blow, a
14 general citizen like myself and superstars,
15 athletes, rappers?

16 MR. MORSE: Yes.

17 MEMBER JONES: Were you there when
18 Drake was there?

19 MR. MORSE: Yes.

20 MEMBER JONES: Okay. Are you
21 familiar with the video?

22 MR. MORSE: What video? No.

1 MEMBER JONES: No, okay.

2 MR. MORSE: No.

3 MEMBER JONES: Were you familiar
4 with what Drake did to get back into the
5 establishment?

6 MR. MORSE: No.

7 MEMBER JONES: Okay.

8 MR. MORSE: Well I actually heard,
9 it's so many different stories, but what he
10 did to get back in --

11 MEMBER JONES: Well, no, so it's
12 your establishment, you're the head of, well
13 you're not the head of security, but you're
14 the general manager --

15 MR. MORSE: Yes.

16 MEMBER JONES: -- you were there
17 on that night.

18 MR. MORSE: But when I came into
19 the incident I was in the office and I came
20 into the incident at last minute because they,
21 what I was told is that they got rid of, Drake
22 got into his vehicle so quick by the time I

1 got in there he was gone.

2 He was gone by the time I got
3 there because I was all the way in the back in
4 the office.

5 MEMBER JONES: So what does your
6 head of security say took place?

7 MR. MORSE: What I can remember as
8 far as what took place is that Drake was
9 leaving from the inside and his security, I
10 guess there was people that was around wanted
11 to take pictures, wanted to touch him and
12 everything, so they just bum-rushed him
13 straight to his truck and that's all he said
14 that was actually happened.

15 MEMBER JONES: Okay. Would you be
16 surprised if there was a different account of
17 that?

18 MR. MORSE: I'm sorry, can you --

19 MEMBER JONES: Would you be
20 surprised if there was a different account of
21 that?

22 MR. MORSE: I don't understand.

1 MEMBER JONES: Would you be
2 surprised if there was a different set of
3 facts associated with that circumstance?

4 MR. MORSE: Would I be surprised
5 of it?

6 MEMBER JONES: Yes.

7 MR. MORSE: Yes, I would be.

8 MEMBER JONES: Okay. So when
9 should MPD be called in general?

10 MR. MORSE: Well like you said, if
11 someone comes back and they want to get into
12 the establishment and they causing a problem
13 then that's when MPD would be called for them
14 to escort them outside of the gate.

15 MEMBER JONES: I'm sorry. In
16 accordance with your Security Plan is there a
17 set of criteria when it mandates MPD should be
18 called and if so what are they?

19 MR. MORSE: I'm sorry, you're
20 saying what are they?

21 MEMBER JONES: Yes. "They" in
22 that sentence is referring to the set of

1 criteria under which MPD should be called.

2 MR. MORSE: Well I would say they
3 should be called if there is any major
4 incidents.

5 MEMBER JONES: Understood, but I'm
6 not totally clear on what an incident is so I
7 was hopeful that you could delineate what's
8 noted in your Security Plan and what you've
9 been trained on and what you train your
10 security staff on as to what and when MPD
11 should be called.

12 MR. MORSE: If there are a major
13 fight.

14 MEMBER JONES: Major fight?

15 MR. MORSE: Yes, a major fight.

16 MEMBER JONES: Okay.

17 MR. MORSE: Or anything within
18 that area, a major fight, or if there's
19 someone that's inside that's being, that
20 actually that we don't need in our
21 establishment then we'll call them just to the
22 point where we don't want to put hands or

1 anything on them.

2 MEMBER JONES: Okay. And that's,
3 to your knowledge that comports with what's in
4 Security Plan?

5 MR. MORSE: That should be.

6 MEMBER JONES: Okay. And how long
7 have you been general manager?

8 MR. MORSE: A few months.

9 MEMBER JONES: A few months?

10 MR. MORSE: Yes.

11 MEMBER JONES: Okay. And when did
12 you hire this Eric gentleman to be head of
13 security?

14 MR. MORSE: Eric came in, within
15 the few months.

16 MEMBER JONES: How many months
17 after your few months was he hired by you?

18 MR. MORSE: Probably like right
19 after.

20 MEMBER JONES: Right after?

21 MR. MORSE: Yes.

22 MEMBER JONES: Okay. Is he there

1 full time?

2 MR. MORSE: I'm sorry?

3 MEMBER JONES: Is he a full-time
4 employee of Stadium?

5 MR. MORSE: Yes.

6 MEMBER JONES: He is?

7 MR. MORSE: Yes.

8 MEMBER JONES: Okay. He doesn't
9 do security at any other establishments?

10 MR. MORSE: No.

11 MEMBER JONES: And you know this
12 how?

13 MR. MORSE: Well I'm just going on
14 his word.

15 MEMBER JONES: Okay.

16 MR. MORSE: And he's there when I
17 need him.

18 MEMBER JONES: Okay, as long as he
19 shows up when you need him you're not really
20 concerned --

21 MR. MORSE: Well, actually, yes,
22 he's there when the, yes, when the

1 establishment is open.

2 MEMBER JONES: Okay. All right, I
3 think that's all I have for now. Thank you,
4 Madam Chair.

5 CHAIRPERSON MILLER: Mr. Short?

6 MR. SHORT: You also have
7 something in your Security Plan about crime
8 scenes and the security thereof, can you
9 explain to me how you preserve a crime scene,
10 i.e. blood on the floor or blood on a wall?

11 MR. MORSE: You saying like a
12 crime scene?

13 MR. SHORT: Crime scene, yes, i.e.
14 someone breaks a glass stem and stabs somebody
15 else with it.

16 MR. MORSE: Yes.

17 MR. SHORT: What would you do,
18 what's the response of the security at that
19 time?

20 MR. MORSE: Well actually
21 security, first of all, need to, I mean go and
22 help actually and just make sure that no one

1 is around and just clear the area, just clear
2 the area pretty much.

3 MR. SHORT: What else do they do?

4 MR. MORSE: Well it's, I would
5 think that the main thing is to get help.

6 MR. SHORT: Okay. Step-by-step,
7 who is that help and how do they get it? Do
8 they have radios or do they --

9 MR. MORSE: Yes. Everyone in
10 there has a radio.

11 MR. SHORT: Okay, well step-by-
12 step what would happen if anything happens?

13 MR. MORSE: Yes. Well once the
14 stabbing occur he'll actually get on the radio
15 and let everyone know what's going on and for
16 someone to go and get detail and bring them
17 into the establishment.

18 MR. SHORT: By detail you mean the
19 RDO?

20 MR. MORSE: The officers, yes.

21 MR. SHORT: And then what else
22 happens before the officer gets there would

1 take place?

2 MR. MORSE: Well I would think,
3 I've never been in there and been in that
4 situation where someone has gotten stabbed,
5 honestly.

6 MR. SHORT: I understand. But
7 your Security Plan I just read --

8 MR. MORSE: Yes.

9 MR. SHORT: -- had something in
10 there, there's a paragraph that deals with
11 that.

12 MR. MORSE: Yes.

13 MR. SHORT: It says exactly what
14 your staff should do until a police officer
15 gets there.

16 MR. MORSE: Yes.

17 MR. SHORT: What is that? What
18 does it say? I mean remind me because I just
19 read it a minute ago, but remind me. What
20 would you think they should do?

21 MR. MORSE: Well I would just
22 clear the area and just call the ambulance and

1 just make sure that they, and they're to get
2 into the ambulance.

3 MR. SHORT: So nobody's going to
4 be sweeping or mopping or doing anything to
5 try to get the blood up, right --

6 MR. MORSE: No.

7 MR. SHORT: -- before the police
8 officer gets things secured?

9 MR. MORSE: No. No. No.

10 MR. SHORT: That's all I have.
11 That's all I have, Madam Chair.

12 MEMBER ALBERTI: I have a quick
13 question.

14 CHAIRPERSON MILLER: Okay. Mr.
15 Alberti?

16 MEMBER ALBERTI: Mr. Morse, I'm
17 going to ask you the same question I asked, I
18 forgot his name already.

19 PARTICIPANT: Johnson.

20 MEMBER ALBERTI: Mr. Johnson,
21 sorry. So it's a slow, I want to get back to
22 this, you said a number of security, slow

1 weekday night, you're only going to have like
2 27 people in there maybe, how many security
3 staff do you have?

4 MR. MORSE: On the slow nights?

5 MEMBER ALBERTI: Yes.

6 MR. MORSE: On the slow nights I
7 would say four to eight.

8 MEMBER ALBERTI: What's the
9 minimum that you would ever have?

10 MR. MORSE: On a slow night?

11 MEMBER ALBERTI: Yes.

12 MR. MORSE: Probably eight.

13 MEMBER ALBERTI: Eight?

14 MR. MORSE: Yes.

15 MEMBER ALBERTI: Okay. And how
16 would they be stationed?

17 MR. MORSE: We'll have -- I'm
18 trying to think if it's four or if it's eight
19 on our slow nights. I would say four on our
20 slow nights, I'm sorry.

21 MEMBER ALBERTI: Okay. And on a
22 busy night? Well how are the four stationed?

1 MR. MORSE: One outside and three
2 inside.

3 MEMBER ALBERTI: What are their
4 duties, each person, what's their duties?

5 MR. MORSE: I'm sorry?

6 MEMBER ALBERTI: What's each
7 person's duty?

8 MR. MORSE: Outside, ID checker,
9 searcher, and inside one is doing the roaming
10 and then there's another one behind the main
11 stage where the girls are.

12 MEMBER ALBERTI: All right, that's
13 three. That's three by my count.

14 MR. MORSE: I'm sorry?

15 MEMBER ALBERTI: You accounted for
16 three.

17 MR. MORSE: No, ID checker and
18 then there's a searcher and then the --

19 MEMBER ALBERTI: Okay, ID checker,
20 searcher.

21 MR. MORSE: Yes.

22 MEMBER ALBERTI: Okay, I got you.

1 I'm sorry.

2 MR. MORSE: Yes.

3 MEMBER ALBERTI: And on a busy
4 night how many, like if they got a couple
5 hundred people there how many would you have?

6 MR. MORSE: Probably around 20.

7 MEMBER ALBERTI: Around 20. It's
8 interesting both you and Mr. Morse, not Mr.
9 Morse, Mr. Johnson, gave the same answers for
10 minimum security personnel.

11 MR. MORSE: Yes.

12 MEMBER ALBERTI: And Mr. Jones,
13 our Mr. Jones asked about how well you knew
14 the Security Plan. Would you be surprised if
15 the Security Plan said on Page 12 "On Sunday
16 through Thursday there will be a minimum of
17 five security personnel," would that surprise
18 you?

19 When was the last time you read
20 this? I'm holding up the Security Plan.

21 MR. MORSE: The Security Plan,
22 probably a few months ago.

1 MEMBER ALBERTI: Yes, I'm betting
2 that is. All right, no further questions.

3 MEMBER RODRIGUEZ: I've got a,
4 Madam Chair.

5 CHAIRPERSON MILLER: Okay.

6 MEMBER RODRIGUEZ: Just a short, I
7 don't know if it's a question or what, but on
8 security when you got people with ties, that's
9 something to grab.

10 CHAIRPERSON MILLER: What?

11 MEMBER RODRIGUEZ: I was curious
12 about that. That's all I'll say, okay.

13 CHAIRPERSON MILLER: What did you
14 say?

15 MEMBER RODRIGUEZ: No, well on the
16 uniforms for the security personnel the
17 security personnel are wearing ties, right.
18 Well that looks nice, it's not very practical
19 because the first thing somebody goes for is
20 your tie.

21 CHAIRPERSON MILLER: Oh, okay.

22 MEMBER RODRIGUEZ: Anyway, just a

1 record of that issue.

2 MR. THOMAS: I've never seen that
3 in a fight before. You've seen that in a
4 fight?

5 MEMBER RODRIGUEZ: Yes, I worked
6 in a nightclub I used to be --

7 (Simultaneous speaking)

8 MR. MORSE: The majority of them
9 have clip-ons.

10 MR. THOMAS: I've never seen that.

11 PARTICIPANT: Oh, yes.

12 MR. MORSE: The majority of them
13 have clip-ons.

14 MR. THOMAS: I never seen that.

15 CHAIRPERSON MILLER: Clip-ons?

16 MR. MORSE: They have clip-on
17 ties.

18 CHAIRPERSON MILLER: Oh.

19 MEMBER RODRIGUEZ: Oh, clip-ons.

20 MR. MORSE: Yes.

21 MS. BUTLER: Ma'am, objection.

22 He's the witness answering --

1 CHAIRPERSON MILLER: I'm sorry,
2 there was just a little colloquy here, right.
3 Mr. Jones?

4 MEMBER JONES: Thank you. What is
5 the dress code for your security, sir, now
6 that he's brought it up?

7 MR. MORSE: Suit, shirt, and tie.

8 MEMBER JONES: Color?

9 MR. MORSE: Black, black suit.

10 MEMBER JONES: All black?

11 MR. MORSE: Yes. Black --

12 MEMBER JONES: All black, shirt
13 black?

14 MR. MORSE: I'm sorry?

15 MEMBER JONES: Tie black?

16 MR. MORSE: Yes.

17 MEMBER JONES: Everything is
18 black?

19 MR. MORSE: No. White shirt,
20 black tie right now.

21 MEMBER JONES: Okay. White shirt,
22 black tie?

1 MR. MORSE: Yes.

2 MEMBER JONES: Everything else is
3 black but the shirt?

4 MR. MORSE: Yes.

5 MEMBER JONES: Okay. Do you have
6 videos, I mean video cameras at your
7 establishment?

8 MR. MORSE: Yes.

9 MEMBER JONES: Okay. Do you have
10 a video camera on the main ingress or the main
11 entrance?

12 MR. MORSE: Yes.

13 MEMBER JONES: You do?

14 MR. MORSE: We should, yes.

15 MEMBER JONES: Okay. Do you
16 happen to know if your camera system was
17 working on October 25th?

18 MR. MORSE: I can't recall.

19 MEMBER JONES: You can't recall if
20 your --

21 MR. MORSE: I can't recall. I
22 can't recall.

1 MEMBER JONES: Is there a reason
2 why your camera system shouldn't be working
3 any night?

4 MR. MORSE: No, it should be
5 working. It's normally, it's working every
6 night pretty much.

7 MEMBER JONES: Okay.

8 MR. MORSE: But as far as that day
9 I can't recall.

10 MEMBER JONES: When do you check
11 your camera system to validate whether or not
12 it's working?

13 MR. MORSE: Well you have the
14 camera guy that's working every day.

15 MEMBER JONES: He's working every
16 day?

17 MR. MORSE: Yes.

18 MEMBER JONES: Okay. So you'd be
19 able to provide a copy of the videotape for
20 October 25th for the video camera that's on
21 the front door of your establishment?

22 MR. MORSE: The October 25th?

1 Yes.

2 MEMBER JONES: You could?

3 MR. MORSE: Yes. We should, yes.

4 MEMBER JONES: All right. All
5 right, and how would you retrieve that?
6 What's your process for retrieving that?

7 MR. MORSE: Well we have a camera
8 guy actually there to retrieve it.

9 MEMBER JONES: Okay. And how long
10 do you archive your data?

11 MR. MORSE: I can't recall that.

12 MEMBER JONES: You can't recall?

13 MR. MORSE: No.

14 MEMBER JONES: Do you know what
15 your system is capable of? Do you know if
16 it's capable of holding archives for 30 days
17 before you overwrite?

18 MR. MORSE: I'm not sure.

19 MEMBER JONES: You're not sure?

20 MR. MORSE: No.

21 MEMBER JONES: Okay. Thank you.

22 Thank you, Madam Chair.

1 MEMBER ALBERTI: Does he know what
2 the Security Plan states?

3 CHAIRPERSON MILLER: Mr.
4 Silverstein?

5 MEMBER SILVERSTEIN: Mr. Morse,
6 let's get back to this incident log. You're
7 saying that any kind of fight or major
8 incident like that --

9 MR. MORSE: Yes.

10 MEMBER SILVERSTEIN: You don't
11 have any other metrics if somebody, a sick
12 patron has to go to the hospital, does that go
13 in the log?

14 MR. MORSE: Yes.

15 MEMBER SILVERSTEIN: If there's an
16 injured person, somebody wearing blue shoes of
17 some sort, open toe shoes, steps on a piece of
18 glass and cuts their foot, is that an
19 incident?

20 MR. MORSE: Yes. That would go in
21 the log, yes.

22 MEMBER SILVERSTEIN: Anything that

1 requires first aid, is that an incident?

2 MR. MORSE: Yes, that would go in
3 the log.

4 MEMBER SILVERSTEIN: If there's
5 something at the door, somebody tries to get
6 in and there's any kind of physical
7 altercation involving the security people at
8 the door is that an incident, whether police
9 are called or not, if there's laying of hands?

10 MR. MORSE: Yes. If there was
11 actually, a fight has broken out, is what
12 you're saying?

13 MEMBER SILVERSTEIN: Well or just
14 even a push and you can't go, if there's
15 laying of hands, I'm not saying a fight.

16 MR. MORSE: If there's a little
17 push and stuff like that then that's
18 different, but if there is a major, like a
19 fight or something like that then, yes,
20 definitely.

21 MEMBER SILVERSTEIN: Someone sick
22 or intoxicated and you call a cab because

1 they're, you don't want them in the club, it's
2 time for them to get home maybe without
3 driving a car, is that an incident?

4 MR. MORSE: Yes. Yes.

5 MEMBER SILVERSTEIN: Anything that
6 involves calling a police officer is that an
7 incident?

8 MR. MORSE: Well if they take a
9 report, yes, but if we actually call them and
10 then there's really nothing and the police
11 just escort them out to gate then --

12 MEMBER SILVERSTEIN: So in other
13 words you can the police, the police come and
14 take somebody out and that's not an incident?

15 MR. MORSE: We'll put that in the
16 report, yes. Yes.

17 MEMBER SILVERSTEIN: I don't
18 understand how you didn't tell me about these
19 on your own. No further questions.

20 MEMBER ALBERTI: Can I ask a
21 follow up question on that?

22 MEMBER SILVERSTEIN: Sure.

1 MEMBER ALBERTI: Mr. Morse, I
2 swore, absolutely, maybe I'm misremembering,
3 I thought your testimony was there haven't
4 been any incidents?

5 Do you want to think about that
6 and tell me, answer that question again, have
7 there been any incidents?

8 MR. MORSE: Have there been any
9 incidents?

10 MEMBER ALBERTI: Yes.

11 MR. MORSE: No, we haven't had any
12 incidents.

13 MEMBER ALBERTI: So your incident
14 log is completely blank for the whole time
15 you've been there?

16 MR. MORSE: It's pretty -- We
17 haven't had any incidents.

18 MEMBER ALBERTI: I'm not I will
19 repeat my question. Your incident log is
20 blank for the whole time that you've been
21 there?

22 MR. MORSE: As far as I've been

1 there, yes.

2 MEMBER ALBERTI: All right.

3 CHAIRPERSON MILLER: Okay.

4 MEMBER ALBERTI: So no one must of
5 cut their foot, the police never come in?

6 MR. MORSE: No.

7 MEMBER ALBERTI: Nothing ever?

8 MR. MORSE: Nothing, hasn't been a
9 problem.

10 MEMBER ALBERTI: Whew.

11 MR. MORSE: I'm being honest.

12 CHAIRPERSON MILLER: Okay.

13 MEMBER ALBERTI: You know The Palm
14 probably has more incidents than you do.

15 CHAIRPERSON MILLER: All right.

16 It's 10:35.

17 PARTICIPANT: We can choke on a
18 steak now.

19 CHAIRPERSON MILLER: You know, I
20 don't know if the witness, you know, is tired,
21 or whatever, or everybody is tired, I just
22 want to ask you one follow up question to this

1 because I think you had difficulty on the ID
2 and I don't believe that you really should and
3 so I just want to give you another
4 opportunity. Do you personally check IDs?

5 MR. MORSE: No, I don't personally
6 check IDs.

7 MEMBER ALBERTI: That's a good
8 thing.

9 CHAIRPERSON MILLER: Who is the
10 head of, who trains the ID checkers?

11 MR. MORSE: Our actual head of
12 security, yes.

13 CHAIRPERSON MILLER: Okay. Okay,
14 so you're not actively involved in that so
15 that's why you may not know all the details of
16 exactly the process, is that correct?

17 MR. MORSE: No. Right, yes.

18 CHAIRPERSON MILLER: Okay. All
19 right, any questions on Board questions?

20 MR. HAFFNER: Just a couple of
21 questions just to clarify.

22 CHAIRPERSON MILLER: Okay.

1 MR. HAFFNER: Again, you've heard,
2 I asked the question of Mr. Johnson regarding
3 the Security Plan, is it your understanding
4 the Security Plan is static, meaning it's
5 never going to change, or is it a living
6 document, meaning that it changes as the
7 circumstances at the club change?

8 MR. MORSE: I'm sorry?

9 MR. HAFFNER: I'll ask the
10 question again.

11 MR. MORSE: I'm sorry.

12 MR. HAFFNER: I asked the question
13 of Mr. Johnson regarding the Security Plan and
14 I asked him whether it's static, meaning it's
15 never going to change, it is what it is, or is
16 it your understanding that it's a living
17 document, meaning that the contents of the
18 Security Plan change as circumstances at the
19 club change?

20 MR. MORSE: Yes, it changes as
21 circumstances of the club changes.

22 MR. HAFFNER: Okay. So is it fair

1 to say that circumstances at the club changed
2 since the current version of the Security Plan
3 that we see?

4 MR. MORSE: Yes, there's been
5 things that's been changed.

6 MR. HAFFNER: Now --

7 CHAIRPERSON MILLER: What did you
8 say? I'm sorry, could you repeat? We
9 couldn't hear you.

10 MR. MORSE: I said yes, there's
11 been things that has been changed.

12 MR. HAFFNER: Now let me pose a
13 hypothetical to you. Would you call MPD if
14 you found a weapon on a patron?

15 MR. MORSE: Yes.

16 MR. HAFFNER: Would you call MPD
17 if there was a serious assault?

18 MR. MORSE: Yes.

19 MR. HAFFNER: Okay. Have there
20 been any weapons found of patrons since the
21 change in management?

22 MR. MORSE: No.

1 MR. HAFFNER: Have there been any
2 assaults, major assaults, major fights, since
3 the change in management of the establishment?

4 MR. MORSE: No. No.

5 MR. HAFFNER: Has there been any
6 reason whatsoever in your 20 years of
7 experience for MPD to have been called to the
8 club since the change in management?

9 MR. MORSE: No.

10 MR. HAFFNER: One more question.
11 Do you have any reason to believe that the
12 cameras, the security system, hasn't been
13 working?

14 PARTICIPANT: Too late.

15 MR. MORSE: None whatsoever.

16 MR. HAFFNER: No further
17 questions.

18 CHAIRPERSON MILLER: Ms. Butler?

19 MS. BUTLER: I do have a few
20 questions. Is Stadium open tonight?

21 MR. MORSE: Yes.

22 MS. BUTLER: Who's the general

1 manager on duty tonight?

2 MR. MORSE: There's no general
3 manager there. There is a manager there, but
4 there's no general manager.

5 CHAIRPERSON MILLER: All right.

6 PARTICIPANT: We can't hear you.
7 Speak up, please.

8 MR. MORSE: There is no --

9 CHAIRPERSON MILLER: But is this
10 related to Board questions because that's
11 where we're at right now, not expanding the
12 scope of the questioning.

13 MS. BUTLER: You stated that you
14 use an ID machine, when do you use the ID
15 machine?

16 MR. MORSE: On big events.

17 MS. BUTLER: Can you clarify a big
18 event?

19 MR. MORSE: A big event is if
20 we're going to have a, maybe if we have an
21 event of some ball players coming or if we
22 feel though that there's going to be a lot of

1 people coming.

2 MS. BUTLER: Okay. You stated
3 that you use a red light. Is that mentioned
4 in the Security Plan?

5 MR. MORSE: Actually the
6 blacklight was mentioned in the Security Plan,
7 not the red light, but it's a red light.

8 MS. BUTLER: You stated you use a
9 red light?

10 MR. MORSE: Correct. The machine
11 is -- Yes, it comes up red instead of black.

12 MS. BUTLER: Is that mentioned in
13 the Security Plan?

14 MR. MORSE: No, what was mentioned
15 in there was the blacklight not the red light.

16 MS. BUTLER: You also stated that
17 you don't check IDs but you also stated that
18 you rub the IDs --

19 MR. HAFFNER: Objection. I
20 believe she's mischaracterizing his testimony.
21 He never said he didn't check IDs --

22 MS. BUTLER: He did. She asked

1 him previously if he checked IDs, he said no.

2 CHAIRPERSON MILLER: Why don't you
3 ask him again if he checks IDs.

4 MR. HAFFNER: Oh, I'm sorry, I
5 misunderstood the question.

6 CHAIRPERSON MILLER: Okay.

7 MR. HAFFNER: I was thinking that
8 we didn't check IDs in general. She's just
9 speaking specifically about him.

10 CHAIRPERSON MILLER: Okay.

11 MR. HAFFNER: I withdraw my
12 objection.

13 CHAIRPERSON MILLER: Okay.

14 MS. BUTLER: You stated that you
15 do not check IDs?

16 MR. MORSE: No, I don't check IDs
17 now.

18 MS. BUTLER: But you also stated
19 that you rub the IDs and will --

20 MR. MORSE: Well that was my past
21 of checking IDs.

22 MS. BUTLER: Do you know if all

1 States have ID seals on their IDs?

2 MR. MORSE: I can't recall.

3 MS. BUTLER: Do you have patrons
4 from other States that visit?

5 MR. MORSE: Yes.

6 MS. BUTLER: On the night of
7 October 25th you stated that there were eight
8 reimbursable detail. What time do those --
9 I'm sorry, you stated that there were eight
10 reimbursable details at night.

11 MR. MORSE: Yes.

12 MS. BUTLER: What time did those
13 show up?

14 MR. MORSE: What time did they
15 show up? I would say, because I'm normally on
16 the inside, I would say between 10:00 and
17 11:00. I'm not 100 percent sure.

18 MS. BUTLER: Do you keep a log of
19 the hours of the reimbursable detail?

20 MR. MORSE: Actually no log, no.

21 MS. BUTLER: So how do you know
22 you had eight officers?

1 MR. MORSE: Well actually Mr.
2 Johnson and myself and he pretty much handled
3 that.

4 MS. BUTLER: Did you see any
5 officers that night?

6 MR. MORSE: Yes.

7 MS. BUTLER: The Board, there was
8 a video that a Board Member asked if he saw of
9 Drake when he -- Is that okay to show the
10 video?

11 MR. HAFFNER: I'd object.

12 CHAIRPERSON MILLER: No. I mean
13 he didn't, he referenced vaguely some video
14 that's not in the record that the Board hasn't
15 seen, so I don't know whether you're trying to
16 introduce new evidence at this point, but it's
17 not in the record.

18 MS. BUTLER: Right. Well the
19 Board Member asked about the video and the
20 video is here of Drake at the club and so I
21 wanted to introduce that.

22 MR. HAFFNER: We have no way of

1 corroborating that. I don't see the relevance
2 at this point, given the scope of the Board's
3 questioning, so I would object to that.

4 MS. BUTLER: Right. The video
5 shows that Drake actually rushed through
6 security.

7 CHAIRPERSON MILLER: Okay, now
8 wait a second, did you put that on your PIF?

9 MS. BUTLER: I had video of
10 activities in Stadium Nightclub.

11 CHAIRPERSON MILLER: Okay. See
12 this is the type of thing, and I know it's not
13 always honored that the exhibits are supposed
14 to be shared with the other side seven days
15 ahead of the hearing.

16 And this is the kind of evidence
17 in particular that the other side would need
18 to have an opportunity to see so they could
19 prepare rebuttal or cross or whatever, so I
20 don't think it should be admitted.

21 MS. BUTLER: No further questions.

22 (Off the record comments)

1 CHAIRPERSON MILLER: Yes. No, not
2 the video from the -- This is not the video of
3 any -- It's some video, it's not the video
4 from the club or anything.

5 MS. BUTLER: It's the video of the
6 --

7 PARTICIPANT: It is, from October
8 25th.

9 MS. BUTLER: This is the video of
10 the night of Drake at Stadium Nightclub.

11 CHAIRPERSON MILLER: It's not the
12 Stadium's video.

13 MS. BUTLER: I'm sorry?

14 CHAIRPERSON MILLER: Whose video
15 is it?

16 MS. BUTLER: It's a video that was
17 taken at Stadium?

18 CHAIRPERSON MILLER: By whom?

19 MS. BUTLER: From the news media.

20 CHAIRPERSON MILLER: Okay, no.

21 You want to object? You disagree? I think it
22 could be very prejudicial to the other side

1 not to have an opportunity to rebut or to have
2 --

3 MR. HAFFNER: Absolutely.

4 MEMBER JONES: I agree with the
5 objection.

6 MEMBER SILVERSTEIN: Madam Chair,
7 I would say that if an event of a nature that
8 it would be of interest occurred within seven
9 days that it is impossible for the person to
10 provide it before it happens.

11 If, as an example, if there was a
12 mass shooting in a place three days before the
13 hearing we could not blind ourselves to the
14 mass shooting because it happened less than a
15 week before.

16 I don't think, I think this is a
17 rule that should be generally hard and fast
18 except in those cases of things that occurred
19 within that 7-day period.

20 CHAIRPERSON MILLER: But it
21 doesn't mean she couldn't have provided it
22 three days ago. It doesn't mean, you know,

1 she's springing it right now and is there a
2 reason you couldn't have provided it?

3 MS. BUTLER: This is in relation
4 to, well it's a relation to the Board Member
5 asking, inquiring about the video for Stadium.

6 CHAIRPERSON MILLER: Mr. Jones?
7 Mr. Jones, since you introduced that subject
8 you do want to comment I see.

9 MEMBER JONES: Yes. I am opposed
10 to it being admitted as any type of evidence,
11 not for the reasons stated by our illustrious
12 Board Member Silverstein, but because I do not
13 believe that we have any mechanism for
14 identifying the foundation, the validity, the
15 accuracy, anything related to that.

16 There is no information, no one
17 here who can testify to that video and,
18 therefore, I object to it being raised as a,
19 or being brought in, so I support your
20 objection for different reasons, but I
21 support.

22 CHAIRPERSON MILLER: Yes. Well I

1 agree with those reasons as well, and anybody

2 --

3 PARTICIPANT: I concur.

4 CHAIRPERSON MILLER: Okay.

5 PARTICIPANT: Okay.

6 MS. BUTLER: No further questions.

7 CHAIRPERSON MILLER: Okay.

8 PARTICIPANT: I drop it.

9 MR. HAFFNER: Nothing further.

10 CHAIRPERSON MILLER: Okay, thank
11 you very much.

12 MR. MORSE: Thank you.

13 CHAIRPERSON MILLER: All right, so
14 I want to admit Applicant's Exhibit Number 3,
15 which I didn't do previously, which is the
16 Certificates of Completion.

17 (Whereupon, the above-referenced
18 to document was received into evidence as
19 Applicant Exhibit No. 3.)

20 MR. HAFFNER: Right.

21 CHAIRPERSON MILLER: Okay. So
22 does that complete your case?

1 MR. HAFFNER: That does, Your
2 Honor.

3 CHAIRPERSON MILLER: Okay. So
4 we've been sitting here for I think over three
5 hours and would you all, I think we should
6 take a break of either like five or ten
7 minutes. Do you all have a preference?

8 MR. HAFFNER: Five is fine with
9 me.

10 MS. BUTLER: Five minutes.

11 CHAIRPERSON MILLER: Five minutes,
12 I mean it's late, so --

13 PARTICIPANT: That's a good choice
14 because it always turns into ten.

15 CHAIRPERSON MILLER: Right,
16 exactly.

17 (Simultaneous speaking)

18 CHAIRPERSON MILLER: All right.
19 Okay, we'll be back in ten I guess.

20 (Whereupon, the above-entitled
21 matter went off the record at 10:45 p.m. and
22 resumed at 11:01 p.m.)

1 CHAIRPERSON MILLER: Okay, we're
2 back on the record at 11:02 p.m. for the
3 protestant's case. Can you hear that?

4 (Whereupon, the above-entitled
5 matter went off the record at 11:01 p.m. and
6 resumed at 11:02 p.m.)

7 CHAIRPERSON MILLER: Okay, so now
8 we're back on the record at 11:03 p.m. for the
9 protestant's case. Are you ready to go
10 forward?

11 MS. BUTLER: Ma'am, in the
12 interest of time, it's 11:03, we have some
13 residents who are pretty fatigued at this
14 point. I would like to request a continuance.

15 CHAIRPERSON MILLER: They're here
16 though. They're here?

17 MS. BUTLER: They are here, but we
18 have nine witnesses here to --

19 PARTICIPANT: Just do a
20 continuance.

21 CHAIRPERSON MILLER: You have
22 nine. Well I mean I told you that you can

1 have the witness say that I feel the same way
2 or whatever.

3 I mean I'm not sure I'm going to
4 hear from the other side. You know I
5 sympathize, but I also, that's why I said
6 earlier if you had some elderly citizens who,
7 you know, needed to testify out of order that
8 we would do that.

9 Because we're trying to balance
10 between that and the fact that one of the
11 witnesses in this case, or the owners, or
12 whatever, is from out of town and would have
13 to come back to town.

14 MS. BUTLER: Right. And I
15 understand that.

16 CHAIRPERSON MILLER: But that's
17 the issue, yes.

18 MS. BUTLER: Yes, I understand
19 that. I think that they were not under the
20 impression that we would still be here after
21 11:00 and possibly after midnight.

22 CHAIRPERSON MILLER: Okay. Well

1 let me hear from the other side.

2 MR. HAFFNER: I think the reasons
3 you've already stated, I don't need to belabor
4 the point. We're here, we're ready to go, and
5 we would object to a continuance. We would
6 not agree to a continuance at this point.

7 CHAIRPERSON MILLER: Okay. Mr.
8 Silverstein, you have a comment?

9 MEMBER SILVERSTEIN: Madam Chair,
10 I would ask the age of some of these witnesses
11 and why they feel that it is a hardship for
12 them to be testifying at this hour.

13 PARTICIPANT: Yes, I'm 71 years
14 old.

15 MEMBER SILVERSTEIN: Okay.

16 CHAIRPERSON MILLER: Okay, we
17 can't hear anybody who's not on a microphone
18 here. Ms. Butler --

19 MR. SHORT: Madam Chair, comment
20 please?

21 CHAIRPERSON MILLER: Yes?

22 MR. SHORT: I think it's, the

1 citizens who came in to testify, especially
2 someone 71 or older, sitting through seven or
3 eight hours of this at this hour of night is
4 a detriment to their health and their well-
5 being and I think in the interest of those
6 citizens I would vote to grant a continuation.

7 CHAIRPERSON MILLER: Are there --
8 Yes?

9 MEMBER RODRIGUEZ: I agree with my
10 colleague Mr. Short. I'm 72, but, you know,
11 I'm a little tired, but I agree with Mr. Short
12 about --

13 CHAIRPERSON MILLER: How old are
14 you, Mr. Short?

15 MR. SHORT: I'm 68.

16 CHAIRPERSON MILLER: Only 68.

17 MEMBER RODRIGUEZ: And I feel for
18 those people.

19 CHAIRPERSON MILLER: So I, well --

20 MS. BUTLER: We have a 90-year-old
21 resident here, so --

22 PARTICIPANT: Wow.

1 CHAIRPERSON MILLER: And that --
2 What?

3 PARTICIPANT: And the old person.

4 CHAIRPERSON MILLER: Wait, who is
5 that? Can they come up because I'm just
6 frustrated because that's why I said that
7 earlier that they should come --

8 MS. BUTLER: Well we asked for the
9 continuance in the beginning, ma'am --

10 (Simultaneous speaking)

11 CHAIRPERSON MILLER: No, I
12 understand that, but when we started we said
13 it could go late and that they, if you had
14 anybody who needed to leave earlier to let us
15 know and we'd take them out of order.

16 PARTICIPANT: We still would be
17 here.

18 CHAIRPERSON MILLER: So how many
19 is that? How many individuals are, because
20 you're here now? I just feel, it's 11:06, if
21 they could do it right now and we have --

22 MS. BUTLER: Yes.

1 CHAIRPERSON MILLER: Maybe you
2 would forego very much cross examination or
3 something.

4 MR. HAFFNER: So if you're
5 inclined to -- Yes, so I would agree to that.

6 CHAIRPERSON MILLER: And I think
7 the Board would also -- Who is the most tired?
8 Who was the one who needs to come --

9 MS. BUTLER: They all are. I
10 think they all are. We really don't have
11 anyone here under the age of 70, ma'am.

12 (Simultaneous speaking)

13 CHAIRPERSON MILLER: Okay, but I
14 don't want to spend this time too much arguing
15 about this. It seems to me, let me just throw
16 this out, I've already heard from Mr. Heffner?

17 MR. HAFFNER: Haffner.

18 CHAIRPERSON MILLER: Haffner.
19 That he would forego cross examination or
20 very, or have very little cross examination,
21 is that right?

22 MR. HAFFNER: That's correct. If

1 I can just offer a --

2 CHAIRPERSON MILLER: Yes, or you
3 have another solution?

4 MR. HAFFNER: I have an objection
5 I'd like for you to rule on and perhaps that
6 might solve this issue.

7 To the extent that the witnesses
8 identified in the PIF have not been, we
9 weren't provided with a summary of the
10 testimony of the witnesses in the PIF, so I'd
11 object to any testimony being taken from any
12 of the people that were listed there.

13 Primarily because we haven't been
14 given the opportunity to prepare cross, I'm
15 sorry rebuttal evidence for those particular
16 witnesses, which I believe is the whole
17 purpose of the PIF.

18 MS. BUTLER: No.

19 CHAIRPERSON MILLER: Okay.

20 MS. BUTLER: Ma'am?

21 CHAIRPERSON MILLER: Go ahead.

22 MS. BUTLER: The people, these are

1 the protestants who signed the initial
2 petition for the hearing, the protest, so I'm
3 not understanding exactly what he's asking.

4 CHAIRPERSON MILLER: Okay.

5 MR. HAFFNER: So if I can just
6 clarify? So DMCR 18.01 requires that or
7 states that the documents for which the
8 protestants would offer their protest are
9 provided by ABRA.

10 ABRA is provided the PIF. The PIF
11 is very clear in stating that you "have to
12 list witnesses and a summary of their
13 testimony, use Page 2 if necessary."

14 They have not provided a summary
15 of the testimony. They just provided the
16 names.

17 MS. BUTLER: And he, I would like
18 to also state that he did not provide a
19 summary of testimony from his statements.

20 MR. HAFFNER: I absolutely did if
21 you would review our PIF.

22 MS. BUTLER: Okay, I don't

1 remember receiving that.

2 MR. HAFFNER: We absolutely did.

3 CHAIRPERSON MILLER: Okay. Okay,
4 this is what I'm inclined to do, but I know I
5 don't have unanimity on the Board necessarily.
6 I would like to just have the witnesses
7 quickly testify and be subject to very little
8 cross examination.

9 MR. HAFFNER: I would just like my
10 objection --

11 CHAIRPERSON MILLER: And to
12 balance out the interest here of the fatigue
13 of the witnesses and the party coming in from
14 out of town. Do you -- Yes, but --

15 MEMBER SILVERSTEIN: So, Madam
16 Chair, you're saying that

17 CHAIRPERSON MILLER: This is what
18 I'm inclined to do. I haven't finished
19 hearing from my Board Members. Mr. Jones has
20 his hand up.

21 MEMBER JONES: I just want to make
22 sure I'm clear. Have you ruled on his

1 objection?

2 CHAIRPERSON MILLER: Well that,
3 okay, I deny your objection in that case
4 because I think, I understand that they're
5 going to be generally to what they have
6 protested.

7 MR. HAFFNER: Just as long as that
8 objection is noted for the record.

9 CHAIRPERSON MILLER: Okay. So do
10 Board Members have a major, because I think
11 we're spending as much time arguing over this
12 and their testimony could be done already.

13 PARTICIPANT: Right. So --

14 MEMBER JONES: I would like to
15 make, recommend you just call for a vote based
16 on that course of action. I do believe that
17 there is some Board Members that are in
18 alignment with you and I think there are
19 others that are not and so instead of going
20 back around the narrative, who, why, let's
21 just call for it and make a decision and move
22 forward with that decision.

1 PARTICIPANT: Thank you.

2 CHAIRPERSON MILLER: Okay.

3 There's been a motion to continue and I would
4 move that we deny motion. Do I have a second?

5 MEMBER SILVERSTEIN: I move we
6 accept the motion and continue to a date to be
7 set by our staff in agreement with both sides
8 as quickly as practical. Is there a second?

9 MEMBER JONES: Just as a matter of
10 procedure, there was an initial motion that
11 didn't receive a proper second. I don't know
12 if the Chair

13 CHAIRPERSON MILLER: It didn't get
14 a second, so I guess it died for failure of a
15 second.

16 MEMBER JONES: Okay.

17 CHAIRPERSON MILLER: I think it's
18 clear --

19 MEMBER JONES: So now that the
20 first motion has been noted as having died,
21 Mr. Mike Silverstein, would you like to make
22 a motion?

1 MEMBER SILVERSTEIN: I would move
2 that we accept the request of the protestants
3 for a continue and ask, to a date to be set by
4 our staff that is acceptable to both sides and
5 as soon as practical for all of us.

6 MEMBER JONES: I second that
7 motion.

8 CHAIRPERSON MILLER: Okay.
9 There's a motion that's been seconded to grant
10 the continuance that's been requested to a
11 date to be determined by our staff and
12 consultation with the parties. All those in
13 favor say aye.

14 (Multiple ayes)

15 CHAIRPERSON MILLER: All those
16 opposed? Opposed.

17 PARTICIPANT: Opposed.

18 CHAIRPERSON MILLER: I think that
19 the vote is --

20 PARTICIPANT: Four to two.

21 CHAIRPERSON MILLER: -- four to
22 two. Four to two to grant the continuance.

1 Okay. I would ask in the future that if there
2 are problems with certain witnesses we do
3 rearrange the schedule to accommodate
4 witnesses.

5 And I have to say that I, you
6 know, was concerned about starting a hearing
7 at this late hour, but I understood that there
8 were also the considerations of some people
9 coming in from out of town.

10 So, all right, then are there any
11 other questions? Do you have your hand -- Mr.
12 Jones, no? Okay, there are no other
13 questions.

14 MEMBER SILVERSTEIN: I think he
15 does. He's trying to -- No?

16 CHAIRPERSON MILLER: Do you?

17 MEMBER JONES: I do.

18 CHAIRPERSON MILLER: Okay.

19 MEMBER JONES: So just as a point
20 of, well as a matter of record, I just want to
21 confirm that as of right now the protestants
22 have 51 minutes remaining and the licensee,

1 or, yes, the licensee has 35 minutes remaining
2 from the standpoint of time, so that when we
3 next convene we know where our starting point
4 is.

5 CHAIRPERSON MILLER: Okay. Was
6 there --

7 MS. BUTLER: Thank you.

8 MEMBER JONES: You're welcome.

9 CHAIRPERSON MILLER: Was this the
10 case where we had a question of --

11 MR. HAFFNER: The licensee, how
12 much?

13 MEMBER JONES: The licensee has 35
14 minutes remaining.

15 CHAIRPERSON MILLER: Oh, never
16 mind.

17 MEMBER JONES: Protestants have 51
18 minutes remaining.

19 CHAIRPERSON MILLER: Okay.

20 MEMBER JONES: And, yes, there was
21 a question. I had not done the math so I had
22 asked for time to do the math and I

1 subsequently incorporated that into the Excel
2 spreadsheet and the time is correct and
3 accurate to the best of my ability and
4 knowledge.

5 CHAIRPERSON MILLER: Okay. I mean
6 I really respect your ability and knowledge to
7 do that because I just thought there was a
8 question whether anyone was keeping track of
9 time at the beginning.

10 MEMBER JONES: There was not a
11 question of whether or not someone was keeping
12 track, it was a question of whether or not I
13 had done the calculation as of yet.

14 CHAIRPERSON MILLER: Yes. Okay,
15 good. All right. Everybody okay with that?
16 All right, I will also say to the licensee
17 that, you know, if there is a Wednesday in
18 particular you're coming to Washington or
19 whatever you should feel free to let our
20 general counsel know so that, you know, we can
21 try to accommodate you that way since we
22 weren't able to finish tonight. Okay.

1 MEMBER SILVERSTEIN: And may we
2 ask you both if next Wednesday might work?

3 MEMBER ALBERTI: Mike?

4 MEMBER SILVERSTEIN: Just as a
5 question.

6 MEMBER ALBERTI: Mr. Silverstein,
7 I think --

8 MEMBER SILVERSTEIN: Yes?

9 MEMBER ALBERTI: -- that it is
10 best left to our general counsel who manages
11 our schedule and liaisons with the parties.

12 (Simultaneous speaking)

13 CHAIRPERSON MILLER: So that's
14 Martha Jenkins if you don't know and I'm sure
15 she'll be in touch with you very shortly.

16 MS. BUTLER: Yes, ma'am.

17 CHAIRPERSON MILLER: Okay.

18 (Simultaneous speaking)

19 CHAIRPERSON MILLER: Thank you.

20 (Whereupon, the above-entitled
21 matter went off the record at 11:13 p.m.)
22

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